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EXHIBIT F

PROFESSIONAL AND PARAPROFESSIONAL BIOS

BakerHostetler

Lauren T. Attard

Associate

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lattard@bakerlaw.com



Overview

Lauren Attard focuses her practice on bankruptcy, restructuring and creditors' rights. She has a depth of bankruptcy and capital markets experience from her position as Assistant General Counsel at the Securities Investor Protection Corporation (SIPC) and working for Congressman Brad Sherman, a senior member of the House Financial Services Committee, on financial services, tax and legal issues.

Experience

Financial Services

- Advised Congressman Sherman on all matters under the jurisdiction of the House of Financial Services Committee, including banking, securities and housing, as well as tax, intellectual property and environmental law.
- Drafted and negotiated legislation and amendments.

SIPC

- Drafted briefs and argued motions and appeals in all phases of litigation, including the U.S. Court of Appeals for the Second Circuit and the U.S. District Court for the Southern District of New York in the liquidation of Bernard L. Madoff Investment Securities, LLC.
- Lead counsel to SIPC as Trustee for Hudson Valley Capital Management.

Entertainment

- Drafted sample agreements and side-artist agreements for a major record label.
- Drafted artwork licenses for The Strokes' album, "First Impressions of Earth."
- Researched artist recording contracts, copyrights and licenses.

Alerts

- 5/20/2019
Show Me the Data: Investors Demand Better ESG Disclosures

Community

- Levine School of Music: Committee Member (2010 to 2014)
- Niagara Symphony Orchestra: Guest Soloist
- French Piano Institute in Paris: Classical Pianist
- New Paltz Festival, Piano Summer: Classical Pianist

Services

- Bankruptcy, Restructuring and Creditors' Rights

Industries

- Investment Funds

Prior Positions

- Office of Congressman Brad Sherman: Legislative Counsel (2015 to 2016)
- Securities Investor Protection Corporation
 - Assistant General Counsel (2012 to 2015)
 - Staff Attorney (2010 to 2011)

Admissions

- New York, 2008
- California, 2018

Education

- J.D., Fordham University School of Law, 2007
- B.A., McGill University (Montreal, Quebec, Canada), 2004

Cory N. Barnes

Associate

Cleveland

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Prior Positions

- The Honorable R. Guy Cole Jr., U.S. Court of Appeals, Sixth Circuit: Judicial Extern (2017)
- The Honorable Algenon L. Marbley, U.S. District Court, Southern District of Ohio: Judicial Extern (2017)
- The Sherwin-Williams Company: Law Clerk (2016)
- Sbarro LLC: Legal Intern (2016)

Admissions

- Ohio

Education

- J.D., The Ohio State University Michael E. Moritz College of Law, 2018, *magna cum laude*; *Ohio State Law Journal*, Articles Editor; Order of the Coif
- B.A., The Ohio State University, 2014, *summa cum laude*

Cory Barnes' positive nature is central to his developing practice. Responsive and eager to collaborate, his client-focused approach joins with sound legal skills to impact a range of matters: He has aided litigators with discovery on property damage and personal injury claims, and worked alongside intellectual property attorneys to protect a company's new and existing products. Cory's diverse background also includes experience with real estate -- he previously navigated issues that involved zoning, the environment, land use and governmental permitting for a site acquisition, engineering and construction firm -- as well as externships at both the trial and appellate level.

Darin R. Bartram

Partner

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Services

- Appellate and Major Motions
- Environmental

Admissions

- District of Columbia
- Maryland

Education

- J.D., The George Washington University Law School, 1993, with honors
- B.A., University of Vermont, 1990

Darin Bartram focuses his practice in the areas of constitutional litigation and appellate work, with particular experience in environmental law. Darin brings a strategic approach to his practice and helps his clients put their legal questions in context with their overall business strategies to develop a comprehensive resolution.

Experience

- Provides advice to an American electric utility holding company regarding state, regional and proposed federal climate change and energy legislation. Counsels the client on reporting requirements, carbon sequestration and related liability issues, offset projects, emissions trading-related transactions and the regulation of greenhouse gases under the Clean Air Act independent of federal climate change legislation. Has also counseled the client on defense of actions brought by the federal government alleging that the client has undertaken major modifications to its facilities without first having followed the requirements of the federal “new source review” permitting program.
- Member of a team that represented 26 states challenging the constitutionality of Medicare revisions under the Patient Protection and Affordable Care Act and argued that an “individual mandate” was beyond the powers granted to Congress under the Commerce Clause and the Necessary and Proper Clause. The U.S. District Court for the Northern District of Florida ruled in favor of the states at the case outset. The government appealed the case to the Eleventh Circuit, where the original decision was affirmed.
- Member of a team that successfully defended several Bivens actions brought against former Secretary of Defense Donald H. Rumsfeld through arguments before the district courts and the Fourth and Seventh Circuit Courts of Appeals.
- Member of a team that represented the Republic of Croatia before the International Criminal Tribunal for the former Yugoslavia and the International Court of Justice for a number of years on a wide range of issues involving international humanitarian law and the laws of war.
- Involved in a representation concerning actions brought against a large federal contractor under federal trafficking law and the Alien Tort Claims Act.

- Has experience with the Oil Pollution Act of 1990, having assisted in the representation of an international group of vessel owners in challenging regulations promulgated by the state of Washington on the basis that those local regulations were preempted by federal and international laws. Litigation ultimately led to a unanimous decision by the Supreme Court upholding the vessel owners' claims.

Memberships

- Bar Association of the District of Columbia
- Maryland State Bar Association

Community

- Town of Kensington: Council Member

Chris Bator

Counsel

Cleveland

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Services

- Commercial Litigation

Admissions

- U.S. Court of Appeals, Sixth Circuit
- U.S. Court of Appeals, Seventh Circuit
- U.S. District Court, Northern District of Illinois
- U.S. District Court, Northern District of Florida
- U.S. District Court, Southern District of Ohio
- U.S. District Court, Northern District of Ohio
- Ohio

Education

- J.D., Case Western Reserve University School of Law, 1987, *cum laude*
- B.A., John Carroll University, 1984, *magna cum laude*

With more than 30 years of experience in commercial litigation, Chris Bator focuses on advising clients concerning insurance coverage issues and the resolution of coverage disputes. He is involved in the litigation, arbitration and mediation of insurance coverage disputes in state and federal forums. Chris has experience on both sides of insurance issues, having counseled and represented policyholders as well as insurance carriers, thus providing unique insight to his clients.

Chris is certified as a specialist in insurance coverage law by the Ohio State Bar Association.

Experience

- Working to obtain full benefits under cyber loss and excess policies for an airline that suffered loss of income and other damages as a result of a computer system failure.
- Represented a captive carrier (domiciled outside the U.S.) of a U.S. corporation in various coverage disputes with reinsurers, including claims concerning damages arising out of alleged participation in a conspiracy in violation of U.S. and foreign laws, claims with reinsurers over substantial real and personal property damages, and claim for payment of a foreign tax liability.
- Defended a life insurance carrier in a lawsuit alleging breach of contract and fraud with respect to calculation of policy premiums.
- Obtained substantial insurance recovery for company that suffered loss of income due to hurricane damage.
- Obtained reimbursement under a liability policy for attorneys' fees and expenses incurred by a client in responding to and defending against a governmental criminal investigation.
- Obtained substantial recovery for a hospital under a crime loss policy for employee theft.
- Representing and providing coverage analysis to a mutual insurance company with respect to various claims made by policyholders sued for alleged violations of the Telephone Consumer Protection Act.
- Worked to obtain policy benefits for a large trucking company in class action lawsuits alleging racial discrimination. Company's insurance carrier had denied coverage for lawsuits based on the policy's prior-

knowledge exclusion and other conditions and terms in the policy. Coverage dispute involved a “Bermuda Form” arbitration provision requiring arbitration to take place in London, England, pursuant to English procedural rules with application of New York substantive law. Although arbitration commenced, the matter settled in favor of the client.

- Acting as co-counsel representing and defending company administering the electronic toll program for San Francisco’s toll bridges in class action lawsuits challenging notification procedure for tolls and penalties and alleged privacy violations.
- Defended a company responsible for the placement and operation of red light traffic cameras in various class action litigations challenging the use of the cameras. Class action lawsuits were filed in Cleveland, Chicago, New York and Florida.

Recognition

- Ohio State Bar Association: Certified Specialist in Insurance Coverage Law

Memberships

- Catholic Lawyers Guild
- American Bar Association
- Ohio State Bar Association
- Cleveland Metropolitan Bar Association: Insurance Law Section
- Ohio Association of Civil Trial Attorneys

Community

- Bay Village Recreation Center: Karate Instructor (Black Belt in Karate-Do Kajukenpo Karate)

BakerHostetler

James Bekier

Director of Litigation Services

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Overview

James Bekier is the Director of Litigation Services, operating out of both the New York and Los Angeles offices, establishing a Tier 1 in-house litigation support service. James supervises a team of more than 20 professionals in 6 offices that oversee the management of large volumes of data and multiple technologies.

James has a background working on complex class action securities and antitrust litigation as an attorney, where he became well-versed in evolving E-discovery rulings, service offerings and solutions. After 5 years of litigating, James became Discovery Manager for a large eDiscovery and Document Review company in New York, then shifted back into law, working as an e-discovery project manager for a law firm.

Experience

- Develops and implements systems and processes to ensure an efficient and consistent discovery process; implements discovery best practices from anticipation of litigation through trial across a wide spectrum of cases from single small matters to coordinated actions with more than 1,000 cases.
- Advisor to attorneys and clients on international and complex, large-scale matters, on the complete life cycle of discovery including data mapping, identification, preservation, collection and database administration.
- Consults with partners and clients on their individual needs in and across their litigation; develops technology and reporting systems encompassing hundreds of matters, providing clients and legal teams with current information on the aspects of their cases including docketing, legal issues, budgeting, vendor management and expert management.
- Manages firmwide litigation support technology and budget, from business case justification through negotiation of contracts and purchases, and performs the ongoing asset and cost management.
- Advises both clients and attorneys on a variety of complex cases and subject areas, including multidistrict litigations, data breaches, and client information governance and retention policies.

Recognitions and Memberships

Memberships

- Association of Certified E-Discovery Specialists (ACEDS)
 - Certified E-Discovery Specialist (CEDS)
- International Legal Technology Association (ILTA)
- The Sedona Working Group Series

Services

- E-Discovery Advocacy and Management

Admissions

- New York

Education

- J.D., University of Montana Alexander Blewett III School of Law, 2002
- B.A., University of Montana, 1999

BakerHostetler

Glenn S. Benson

Partner

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Overview

One of the country's leading representatives of onshore and offshore oil and gas producers on regulatory matters, Glenn Benson brings more than 24 years of experience and an uncommon familiarity with the Federal Energy Regulatory Commission (FERC) to his role on the BakerHostetler national Energy Industry practice team. He counsels clients across the energy industry on tariff and contract disputes before FERC, regulatory compliance and enforcement, and the negotiation of commercial transactions, including power purchase agreements, interconnection agreements, pipeline precedent agreements, asset management agreements, and oil and gas purchase and sale agreements.

Listed in *The Best Lawyers in America* since 2015 in the area of energy law, Glenn's authority on nuanced litigation and complex energy policy issues has led to trusted positions advising and representing gas, electric and oil companies in every geographic region of the United States. It has also inspired a high-profile caseload: Glenn handled one of the first offshore natural gas pipeline open and nondiscriminatory access disputes before the U.S. Interior Department's Bureau of Safety and Environmental Enforcement (BSEE).

Experience

Project Development

- Representing merchant electric transmission developer in federal and state permitting processes, including both National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA), for 900-mile, high-voltage electric transmission project crossing three states.
- Represented Millennium Pipeline Company in obtaining FERC certificate of public convenience and necessity for, and developing, 443-mile interstate gas pipeline to serve markets in New York and New England, including coordination with three companion interstate pipeline projects.
- Represented Saddle Butte Pipeline Company in developing proposed 450-mile crude oil pipeline out of the Bakken in North Dakota to Clearbrook, Minnesota.
- Represented Atmos Gathering Company in developing proposed Straight Creek gathering system in eastern Kentucky.
- Represented Alliance Pipeline in developing 886.8 mile, 36-diameter interstate gas pipeline through North Dakota, Minnesota, Iowa, and Illinois.
- Represented Petal Gas Storage Company in obtaining certificates of public convenience and necessity for, and developing, natural gas storage projects and a 59-mile pipeline header in Mississippi.

Compliance and Enforcement

- Represents gas distribution companies, gas producers, gas marketers, independent power producers and power marketers in development and implementation of FERC compliance programs.
- Represented gas marketing company in defending against FERC Office of Enforcement investigation for alleged market manipulation.
- Represented electric marketing company in defending against FERC Office of Enforcement investigation for alleged market manipulation.

- Represented interstate natural gas pipeline in defending against FERC Office of Enforcement investigation for alleged affiliate abuse.
- Represented gas marketer in FERC Office of Enforcement investigation of alleged violation of capacity release rules.
- Represented gas pipeline in FERC Office of Enforcement investigation of alleged violations of Section 7 of the Natural Gas Act.

Regulatory Litigation

- Representing Peregrine Oil & Gas in litigation against Texas Eastern Transmission at FERC regarding violations of Sections 4 and 7 of the Natural Gas Act in connection with operation of the Cameron offshore gas pipeline system in the Gulf of Mexico.
- Represented BP Exploration (Alaska), Inc., before FERC, the United States Court of Appeals for the District of Columbia Circuit, and the Regulatory Commission of Alaska (RCA) in matters regarding the Trans Alaska Pipeline System's Quality Bank methodology for compensating/charging shippers for any diminution/appreciation in value they incur/receive as a result of the commingling of various crude oil streams on the pipeline.
- Representing Peregrine Oil & Gas in litigation before BSEE against offshore natural gas pipeline involving violations of the open and nondiscriminatory access conditions under the Outer Continental Shelf Lands Act.
- Represented Rice Energy Marketing in pipeline rate cases of ANR Pipeline and Natural Gas Pipeline Company of America before FERC.
- Represented Rice Energy Marketing in complex multi-party settlement process to determine the terms by which Texas Eastern Transmission's is permitted recovery of PCB remediation costs.
- Represented Alliance to Protect Nantucket Sound in litigation before the Massachusetts Department of Public Utilities regarding power purchase agreements of Cape Wind.
- Represented power marketers in litigation regarding PJM's allocation of surplus marginal line loss revenues.
- Represented power marketers in litigation regarding the Midcontinent Independent System Operator's allocation of Revenue Sufficiency Guarantee costs.
- Represented developer of landfill gas electric generation projects in southern California and Rhode Island in litigation over interconnection terms with Southern California Edison and ISO New England.
- Represented power marketers in litigation regarding the California Independent System Operator's rules for convergence bidding.
- Represented petroleum refining and marketing companies in litigation before FERC and the D.C. Circuit over interstate oil pipeline rates of SFPP, LP.
- Represented municipal utility in PG&E rate cases before FERC.
- Represented refining and marketing companies in oil pipeline rate litigation before the California Public Utilities Commission.

Energy Transactions

- Represented Rice Energy Marketing in negotiation of long-term pipeline precedent agreement for 320,000 Dth/day of firm transportation capacity on Texas Eastern Transmission's Access South Project.
- Represented Rice Energy Marketing in negotiation of long-term pipeline precedent agreement for 175,000 Dth/day of firm transportation capacity on Rockies Express Pipeline's Zone 3 East-to-West Project.
- Represented Rice Energy Marketing in negotiating long-term pipeline precedent agreement for firm transportation capacity on the 3,250,000 Dth/day Rover Pipeline Project.
- Represent gas producers, gas marketers, gas-fired electric generation project developers and industrial end users in negotiation of asset management agreements.
- Represent gas producers, marketers and utilities in negotiation of gas purchase and sale agreements.
- Represented gas producer in negotiation of joint marketing agreement for Marcellus gas.
- Represented Rice Energy Marketing in negotiation of long-term pipeline precedent agreement for 50,000 Dth/day of firm transportation capacity on Texas Eastern Transmission's Ohio Pipeline Energy Network (OPEN) Project.
- Represented Rice Energy Marketing in negotiation of long-term pipeline precedent agreement on Texas Eastern Transmission's 425,000 Dth/day Uniontown to Gas City (U2GC) Project.

- Represented Rice Drilling B in negotiation of long-term pipeline precedent agreement on Texas Eastern Transmission's 300,000 Dth/day TEAM South Project.
- Represented developer of landfill gas electric generation project in negotiating interconnection agreement with Southern California Edison.
- Represented Millennium Pipeline in negotiation of long-term pipeline precedent agreement with Consolidated Edison of New York, Inc. for 150,000 Dth/day of firm transportation capacity.

Recognitions and Memberships

Recognitions

- Washington, D.C., "Super Lawyer" (2015 to 2019)
- The Best Lawyers in America (2016 to present)
 - Washington, D.C.: Energy Law

Memberships

- Foundation of the *Energy Law Journal*: Board of Directors (2005 to 2016)
- *Energy Law Journal*: Business Manager (2005 to 2016)
- Energy Bar Association
 - Committee on Natural Gas Regulation, Vice Chair (2007 to 2008); Chairman (2008 to 2009)
 - Committee on Oil Pipeline Regulation, Vice Chairman (2003 to 2004); Chairman (2004 to 2005)
 - Natural Gas Pipeline Committee (2000 to 2005)
 - Electric Utility Regulation Committee (2003 to 2005)
 - Generation and Power Marketing Committee (2002 to 2003)
 - Finance and Transactions Committee (2003 to 2004)
 - International Energy Transactions Committee (2003 to 2004)
 - Antitrust Committee (2003 to 2005)
 - Alternative Dispute Resolution Committee (2000 to 2001)

News

- 8/15/2018
193 BakerHostetler Attorneys Named in 2019 Best Lawyers List; 10 Recognized "Lawyer of the Year"

Press Releases

- 2/5/2018
BakerHostetler Adds Energy Litigation and Regulatory Lawyer in Washington, D.C.

Alerts

- 2/28/2018
FERC Action on Electric Storage Could be Transformational

Services

- Environmental
- Commercial Litigation
- Project Development and Finance

Industries

- Energy Industry

Admissions

- U.S. Court of Appeals, Ninth Circuit
- U.S. Court of Appeals, District of Columbia Circuit
- District of Columbia

- New York

Education

- J.D., University of Virginia School of Law, 1993; *Virginia Journal of International Law*, Editor; Virginia Center for National Security Law, Chief Editor
- A.B., Syracuse University, 1990, *magna cum laude*

BakerHostetler

Camille C. Bent

Associate

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Overview

Camille Bent concentrates her practice in the areas of bankruptcy, financial restructuring and commercial litigation. She has significant experience in litigation arising out of corporate insolvencies, including in fraudulent transfer, negligent misrepresentation and wrongful redemption cases. Camille has represented debtors, creditors and other interested parties in a variety of industries. She approaches all situations with a detail-oriented and analytical eye toward the most effective and efficient solution.

Experience

- Currently represents Irving H. Picard, Securities Investor Protection Act (SIPA) Trustee for the liquidation of Bernard L. Madoff Investment Securities, LLC, and litigates multimillion-dollar avoidance and recovery action against foreign and domestic entities to recover fraudulent transfers for the benefit of defrauded investors.
- Represented an international shipping company and its affiliates in a Chapter 11 bankruptcy proceeding, resulting in a consensual plan that maximized value for debtholders.
- Represented a public manufacturer of medical devices, including preparation of Chapter 11 schedules and first-day motions, omnibus objections, and preference defense pleadings and settlement agreements.
- Represented plaintiffs in a fraudulent inducement and fraudulent transfer action, including drafting of discovery requests and responses, subpoenas, and confidentiality agreements.

Recognitions and Memberships

Recognitions

- National Conference of Bankruptcy Judges: Next Generation (2019)
- International Women's Insolvency and Restructuring Confederation "Rising Star" (2017)
- Global Restructuring Review "40 Under 40" (2016)
- New York Metro Super Lawyers "Rising Star" (2017)

Memberships

- New York City Bar Association
 - Bankruptcy & Corporate Reorganization Committee: Co-Chair, Fraudulent Conveyance Subcommittee
 - Associate Leadership Institute: Member
- International Women's Insolvency & Restructuring Confederation, New York Network
- American Bar Association
- American Bankruptcy Institute
- Turnaround Management Association
- Metropolitan Black Bar Association
- Association of Black Women Attorneys

News

- 6/18/2019
Camille Bent Named to List of "Bronx Power Women in Business"
- 5/3/2019
Eight BakerHostetler Attorneys Shortlisted for the Chambers Diversity and Inclusion Awards 2019
- 3/21/2019
Camille Bent Speaks on NCBJ Bankruptcy Litigation Seminar
- 1/17/2019
Liz Green, Team Earn "Deal of Year" Honors for Alliance Medical Holdings Sale
- 6/1/2018
Camille Bent Participates in Panel Discussion on Succeeding as a Summer Associate in BigLaw
- 2/6/2018
Camille Bent a Speaker at International Women's Bankruptcy Conference
- 2/6/2018
Camille Bent, Marco Molina Selected for New York City Bar Associate Leadership Institute
- 2/5/2018
Camille Bent Speaking at ABI Spring Meeting
- 10/9/2017
Camille Bent Honored as 2017 "Rising Star" by International Women's Insolvency and Restructuring Confederation
- 8/11/2017
Camille Bent Joins Bankruptcy Committee of New York City Bar Association

Alerts

- 3/7/2018
2017 Year-End Securities Litigation and Enforcement Highlights
- 7/28/2017
2017 Mid-Year Securities Litigation and Enforcement Highlights

Community

- Directions for Our Youth, Inc.
 - Board of Directors

Pro Bono

- Works with the New York City Law Department's Public Service Program, conducting and defending depositions in tort cases ranging from individual damages to multiparty litigation.
- Revised and updated a non-profit organization's guide to federal and state employment rights for victims of domestic violence, sexual assault, or stalking.

Services

- Bankruptcy, Restructuring and Creditors' Rights

Industries

- Investment Funds

Prior Positions

- Law Clerk for the Honorable Pamela Pepper, U.S. Bankruptcy Court, Eastern District of Wisconsin
- Judicial Intern for the Honorable Mary Grace Diehl, U.S. Bankruptcy Court, Northern District of Georgia
- U.S. Securities and Exchange Commission: Securities Enforcement Intern

Admissions

- U.S. District Court, Southern District of New York

- U.S. District Court, Eastern District of New York
- New York

Education

- M.B.A., Emory University Goizueta Business School, 2009
- J.D., Emory University School of Law, 2009
- B.A., Johns Hopkins University, 2005

Languages

- Spanish

BakerHostetler

Jason I. Blanchard

Associate

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Overview

Jason Blanchard focuses his practice on the areas of bankruptcy, corporate restructuring and debtors' and creditors' rights. Having a depth of experience clerking for a bankruptcy judge, Jason is intimately familiar with the many facets of bankruptcy practice and litigation. He also has experience representing private and public entities in state and federal courts, which gives him insight into the needs of a variety of clients. Never one to back down from a challenge, Jason works closely with clients to solve the complex puzzles associated with bankruptcy and restructuring.

Experience

- *In re Bernard L. Madoff Investment Securities LLC*: Represent Irving H. Picard, Trustee for the Securities Investor Protection Act liquidation of Bernard L. Madoff Investment Securities LLC, in the litigation of several avoidance actions and disputes involving creditor claims.
- Experience navigating § 363 asset sales of operating entities and nonprofit companies, post-petition financings, the rejection and assumption of executory contracts, and chapter 11 plan confirmation issues.
- Experience with international insolvency matters, including recognition under chapter 15 of the Bankruptcy Code.
- Experience representing parties in corporate and commercial litigation matters in state and federal courts.
- Represented a creditor in a chapter 11 bankruptcy case in negotiating and consummating a sale of commercial real estate to the debtor.
- Representing Examiner in investigating the role of U.S. affiliate in the largest bank fraud alleged in the history of the Republic of India.
- Represented trade creditor in defending against the liquidating trustee's motion to deny the client's priority claim under § 503(b)(9) before the Delaware Bankruptcy Court. Drafted appellate brief before the Delaware District Court regarding the Bankruptcy Court's partial denial of the client's § 503(b)(9) claim.
- Represented creditor in contesting an objection to its proofs of claim by the post-confirmation liquidating trustee and negotiating a settlement of the same in the N.D. of Texas Bankruptcy Court.
- Represented liquidating trust in analyzing claims filed against the Debtors' estates and in drafting objections to the same before the Minnesota Bankruptcy Court.
- Represented alleged subsequent transferee in vacating a default entered against the client and in defending against the liquidating trustee's appeal before the S.D.N.Y. Bankruptcy and District Courts.
- Represent unsecured creditor in contesting dismissal of involuntary chapter 7 case and voluntary chapter 11 case in the S.D.N.Y. Bankruptcy Court. Draft appellate brief before the S.D.N.Y. District Court regarding the Bankruptcy Court's dismissal of the cases.
- Represent creditor with potential issues related to the debtors' rejection of its asset purchase agreement and related contracts in the S.D.N.Y. bankruptcy court.
- Represented limited liability company member considering filing a chapter 11 case in which the company's authority to commence the case was limited by its operating agreement and financing agreement with its secured creditor.
- Represented company in connection with its out of court restructuring involving the sale and licensing of intellectual property, and financing. Drafted language concerning § 365(n) of the Bankruptcy Code and advised on protections afforded to licensees of intellectual property and secured creditors.

- Represented creditor in chapter 15 proceeding involving a contest over recognition and recognition-related relief in the S.D.N.Y. Bankruptcy Court.

Recognitions and Memberships

Memberships

- Federal Bar Association
- American Bankruptcy Institute

News

- 2/22/2019
John Carney Issues Examiner Report Finding Substantial Evidence of Fraud, International Money Laundering Connected to Diamond Bank Fraud Scheme

Articles

- 7/19/2018
Geraldine Ponto, Jason Blanchard Analyze Recent Decisions Regarding Whether a Market Rate of Interest Should Apply to a Secured Creditor's Claim in a "Cramdown" Plan Under Chapter 11

Services

- Bankruptcy, Restructuring and Creditors' Rights

Prior Positions

- Law Clerk for the Honorable Alan S. Trust, U.S. Bankruptcy Court, E.D.N.Y. (2012 to 2016)

Admissions

- U.S. District Court, Southern District of New York
- U.S. District Court, Eastern District of New York
- U.S. District Court, District of New Jersey
- New York
- New Jersey

Education

- J.D., Brooklyn Law School, 2011; Articles Editor, *Brooklyn Journal of Corporate, Financial and Commercial Law*
- B.S., Management, Tulane University, 2007

BakerHostetler

Taylor A. Bloom

Associate

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Overview

Taylor Bloom has significant experience operating at the intersection of law, technology and business, with a keen focus on international data protection, data privacy and governance. A certified privacy professional (CIPP/E, CIPP/US and CIPM) and the former in-house counsel at an advertising technology company, Taylor's diverse strengths include coordinating and leading the implementation of global privacy and data security policies and programs; advising on compliance issues, negotiating agreements with vendors and business partners; and maintaining a deep knowledge of the advertising technology ecosystem and related privacy issues, including those surrounding geolocation and cross-device tracking interest based advertising practices. Taylor brings this experience to helping clients prepare for the new California Consumer Privacy Protection Act.

Taylor is adept at working across company divisions to ensure practical, strategic, technology and business solutions, and she is well-versed at distilling complex technological issues into understandable language for business leaders.

Experience

- Developed and implemented all aspects of an international software company's global privacy program, including developing policies, notices, training, obtaining Privacy Shield Certification and aligning privacy practices among various business units in the U.S. and EU.
- Established company-wide privacy standards and policies to meet GDPR compliance requirements for an international technology company.
- Advised numerous clients on how to prepare for compliance with the California Consumer Privacy Act, including developing processes and policies for responding to data subject requests.
- Interfaced with regulators, industry groups and privacy advocates advising companies on the application of the DAA, NAI and IAB guidelines and requirements.
- Created practical business solutions to privacy and product issues in complex technologies.
- Reviewed and advised on corporate privacy matters, including data protection agreements, cross-border data transfer mechanisms, intra-group agreements, use of information by benefits service providers, and privacy and security aspects of vendor agreements.
- Analyzed domestic and international privacy regulations and determined their impact on a company's product and service offerings. These include the EU-US Privacy Shield, GDPR and Section 5 of the FTC.
- Negotiated and drafted intellectual property and information technology agreements of all types.
- Drafted and reviewed advertising, publishing, SaaS and general business agreements.
- Directed engineering efforts to align with third-party agreements and privacy regulations for data use and storage.
- Advised on consumer protection laws regarding online advertising, e-commerce and digital media.

Recognitions and Memberships

Memberships

- International Association of Privacy Professionals (IAPP)
 - Certified Information Privacy Professional – United States (CIPP/US)
 - Certified Information Privacy Professional – Europe (CIPP/E)

- Certified Information Privacy Manager (CIPM)
- San Diego County Bar Association, Intellectual Property Section
 - Member-at-Large (2017 to 2018)
 - Chair (2016 to 2017)

News

- 5/7/2019
Taylor Bloom Talks to California Realtors Group about Privacy Issues

Articles

- 6/5/2019
Privacy and Data Protection Team Exclusively Pens U.S. Chapter of Legal 500 Guide
- 4/10/2019
Alan Friel, Taylor Bloom Article Explains Scope, Effects of California Consumer Privacy Act

Community

- La Jolla Presidents Lions Club: Founding Member and Volunteer (2017 to 2018)
- La Jolla Town Council: Trustee (2013 to 2017)

Pro Bono

- Addressed issues concerning children's privacy for education technology company.

Services

- Privacy and Data Protection
- Information Technology and Transactions
- Advertising, Marketing and Digital Media

Emerging Issues

- U.S. Consumer Privacy and the CCPA

Prior Positions

- Verve: Senior Technology & IP Counsel (2016 to 2018)

Admissions

- U.S. District Court, Southern District of California
- U.S. District Court, Northern District of California
- California

Education

- J.D., University of the Pacific McGeorge School of Law, 2013
- B.A., University of California, Santa Barbara, 2010, Technology Management Certification in Engineering

KIMBERLY BOOKOUT, CEDS, RCA

BAKER & HOSTETLET LLP

EXPERIENCE

2016-Present	Baker & Hostetler LLP Litigation Support Coordinator
2011-2016	McKenna Long & Aldridge, LLC Litigation Support Specialist
2006-2011	McKenna Long & Aldridge, LLC Paralegal
2000-2006	Womble Carlyle Sandridge & Rice, PLLC Paralegal

- Certified E-Discovery Specialist
- Relativity Certified Administrator

- George G. Boos**
BAKER & HOSTETLER, LLP
- | | |
|---------------------|--|
| May 2011 – Present | Baker & Hostetler, LLP
Paralegal |
| Mar 2008 – Feb 2011 | DLA Piper, LLP
Case Manager |
| Jul 1992 – Mar 2008 | Howrey, LLP
Case Manager |
| Mar 1985 – Jun 1992 | Porter & Clements, LLP
Paralegal |
| Jan 1982 – Mar 1985 | Donovan, Leisure, Newton & Irvine, LLP
Paralegal/Librarian |
- Master of Arts, Public Administration, University of Houston, May 1991
 - Bachelor of Arts, International Affairs, The George Washington University, May 1980

BakerHostetler

Terry M. Brennan

Partner

Cleveland

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Overview

Terry Brennan is the Litigation Coordinator for BakerHostetler's Cleveland office, with practice management responsibility for more than 40 litigation attorneys. He focuses his practice on complex business litigation and corporate criminal matters, representing banks, manufacturers, and other public and private corporations and individuals in a wide range of complex commercial disputes. In his white collar practice, Terry represents individuals and businesses in connection with investigations and prosecutions conducted by the DOJ, SEC, FDA, and other federal and state law enforcement agencies and regulatory bodies. He conducts internal investigations on behalf of corporate clients, lectures annually on effective depositions and has served as a state-appointed special prosecutor.

Experience

Complex Commercial Litigation

- *SIPC v. Bernard L. Madoff Investment Securities LLC*: Leads a team of attorneys on behalf of the Securities Investor Protection Act (SIPA) Trustee in litigation of claims against former employees of Bernard L. Madoff Investment Securities LLC.
- *Client v. City of Cleveland*: Represented a publicly traded company in a lawsuit alleging breach of contract that resulted in a multimillion-dollar settlement for the client.
- *Plaintiffs v. Client*: Successfully defended a telemarketing company in federal class action lawsuits alleging fraud and related cases of action.
- *CITA v. Client*: Successfully defended a publicly traded bank against a \$400 million lawsuit alleging failure to recognize interest in securities.
- *Winter Equipment Co. v. Client*: Won jury trial on behalf of a manufacturer alleging misappropriation of trade secrets.
- *Kopp v. Client*: Represented a bank and defeated claims alleging violations of federal antitrust law, the federal Truth in Lending Act, the Ohio Retail Sales Installment Act, and breach of fiduciary duty.
- *Client v. Hummer*: Represented the nation's largest pharmacy in a lawsuit arising out of a merger agreement with claims and counterclaims totaling more than \$100 million, resulting in a client victory.
- *Jacobs v. Jacobs*: Represented a real estate developer and former Cleveland Indians owner in litigation brought by trust beneficiaries seeking removal of the client as a trustee and millions of dollars in damages, resulting in a client victory.

Government and Internal Investigations

- Represents current and former supervisors of Volkswagen and Audi in connection with the Volkswagen emissions scandal.
- Represents multiple shipping companies in connection with federal investigations involving the Clean Water Act and the Taft-Hartley Act.

- Represented a national architecture firm in a federal public corruption investigation.
- Represents publicly traded banks in FINRA matters and other internal investigations.
- Represented a publicly traded company in a DOJ customs investigation that was initiated by a search warrant. The client received a declination letter.
- Represented a construction company, shopping mall development company, insurance company, and other businesses and individuals in public corruption investigations.

SEC and Securities

- Represented the co-CEOs of a private equity company in an SEC investigation alleging numerous securities law violations.
- Represented a multimillion-dollar investment fund in an SEC investigation of a Ponzi scheme.
- Represented a former CFO of a publicly traded company in an SEC civil case alleging fraudulent accounting.
- Represented a former CFO of a publicly traded company in a class action alleging fraudulent accounting.
- Represented a former officer of an office supply company in several lawsuits alleging violations of securities laws.

FDA

- Represented a food manufacturer in an FDA investigation involving food contaminated by melamine.
- Represented a university in an FDA investigation of diversion of controlled substances.

Recognitions and Memberships

Recognitions

- *The Best Lawyers in America*® (2018 to present)
 - Ohio: Criminal Defense: White-Collar
- Martindale-Hubbell: AV Preeminent
- Ohio Super Lawyers "Rising Star" (2005, 2007, 2009)

Memberships

- City Club of Cleveland: Board Member
- Cleveland Metropolitan Bar Association
 - Judicial Selection Committee: Board Member
- Criminal Justice Act Panel (CJA), Northern District of Ohio (2010 to 2014)

News

- 8/15/2018
193 BakerHostetler Attorneys Named in 2019 Best Lawyers List; 10 Recognized "Lawyer of the Year"
- 8/15/2017
190 BakerHostetler Attorneys Named in 2018 Best Lawyers List; 18 Recognized "Lawyer of the Year"
- 4/12/2017
BakerHostetler Announces New Leadership for Cleveland Office Practice Teams
- 2/2/2017
Press Release: Eighth Pro Rata Interim Distribution of Recovered Funds to Madoff Claims Holders Commences; Total Approximately \$252 Million
- 1/12/2017
Statement Regarding Bankruptcy Court Approval of Eighth Interim Pro Rata Distribution

- 12/14/2016
Bloomberg Reports on Trustee's Eighth Distribution in "Madoff Victims Poised to Start 2017 With \$342 Million in Payouts"
- 12/14/2016
Madoff Trustee Requests Allocation of \$342 Million to Customer Fund and Court Approval to Immediately Distribute Approximately \$252 Million to BLMIS Customers with Allowed Claims
- 12/14/2016
"Madoff Victims Expected to Share \$342M New Repayment" Reports USA TODAY
- 6/30/2016
Reuters Covers Commencement of Seventh Distribution in Article "Madoff Trustee Begins New Payout, Total Nears \$9.5 Billion"
- 6/30/2016
"Seventh Distribution of Money to Madoff Victims Begins" Covered by the Long Island Business News
- 6/30/2016
Press Release: Seventh Pro Rata Interim Distribution of Recovered Funds to Madoff Claims Holders Commences; Totals Approximately \$190.2 Million
- 5/26/2016
USA Today Reports on Upcoming Seventh Distribution in "Madoff Victims May Get New \$247M Disbursement"
- 5/26/2016
Press Release: Madoff Trustee Requests Allocation of \$247 Million to Customer Fund and a Seventh Interim Pro Rata Distribution
- 12/5/2015
"Madoff Ponzi Scheme Victims Get \$1.2B in Sixth Payout" reported in the International Business Times
- 12/4/2015
Commencement of Sixth Distribution reported in USA Today's article "Madoff Scam Victims to Share \$1.19B" USA Today
- 12/4/2015
Press Release: Sixth Pro Rata Interim Distribution of Recovered Funds to Madoff Claims Holders Commences: Totals Approximately \$1.193 Billion
- 10/20/2015
Press Release: Madoff Trustee Requests Court Approval for Release of \$1.5 Billion From Customer Fund and a Sixth Interim Pro Rata Distribution
- 10/20/2015
CNBC reports on Trustee's motion for approval of sixth distribution in article "Madoff Victims Could Get More Money Back"
- 10/20/2015
CNBC Covers Sixth Distribution in Article "Madoff Victims Could Get More Money Back"
- 10/20/2015
The SIPA Trustee's motion for approval of another allocation and sixth pro rata interim distribution is discussed in USA Today article "Trustee Seeks \$1.5B Allocation for Madoff Victims"
- 4/15/2015
Press Release: SIPA Trustee Seeks Court Approval for Release of \$1.249 Billion from Customer Fund Reserves and Requests Court Approval for Sixth Interim Pro Rata Distribution
- 2/20/2015
Reuters spotlights BakerHostetler and its work on the Madoff Recovery Initiative in the article "US Appeals Court Decision May Speed New Payout to Madoff Victims"
- 2/20/2015
The SIPA Trustee's position on time-based damages and the Second Circuit Court of Appeals decision that paved the way to a distribution are discussed in Bloomberg's article "Madoff Victims to Get \$1.45 Billion After Trustee's Victory"

- 2/10/2015
Bloomberg's Bill Rochelle reports on BakerHostetler's Madoff liquidation and its fifth pro rata interim distribution in article "Almost Half of Madoff's Victims Now Fully Paid"
- 2/9/2015
Press Release: Fifth Pro Rata Interim Distribution of Recovered Funds to Madoff Claims Holders Commences: Totals Approximately \$355.8 Million
- 2/9/2015
National Public Radio covers BakerHostetler's press release on the commencement of the SIPA Trustee's fifth distribution in "Madoff's Victims Are Repaid Another \$355 Million, Trustee Says"
- 12/22/2014
Press Release: Fifth Interim Distribution of Recovered Funds in Global Madoff SIPA Liquidation Will Total Approximately \$322 Million
- 12/22/2014
Bloomberg's article "Madoff Victims to Get \$322 Million in Trustee Payout" acknowledges BakerHostetler attorneys at announcement of fifth distribution plans
- 11/18/2014
Reuters reports on further BakerHostetler success reaching settlements boosting total recovery of funds stolen by Madoff to nearly \$10.5 billion
- 11/17/2014
The Associated Press reports on BakerHostetler and the Madoff Recovery Initiative recoveries of \$10.5 billion
- 11/17/2014
CNBC reports on BakerHostetler and the Madoff Recovery Initiative in article Madoff Recoveries Top \$10 Billion With New Settlement, "... an amount virtually no one thought possible"
- 5/5/2014
BakerHostetler talks with *USA Today* about the SIPA Trustee's fourth pro rata interim distribution; states Madoff Recovery Initiative nears \$6 billion in distributions to allowed claimants
- 1/7/2014
BakerHostetler's settlement with JPMorgan Chase and the ongoing Madoff Recovery Initiative Discussed on National Public Radio's *All Things Considered*
- 2/15/2013
BakerHostetler appears on NPR's *All Things Considered* to discuss Madoff Recovery Initiative; host Robert Siegel interviews SIPA Trustee Irving Picard and his Chief Counsel David Sheehan
- 2/12/2013
Madoff Recovery Initiative surpasses \$5 billion in distributions to allowed claimants; CNBC's Scott Cohn discusses latest recovery with BakerHostetler's SIPA Trustee Irving Picard and his Chief Counsel David Sheehan
- 12/10/2012
Madoff Recovery Initiative Marks Fourth Anniversary ... Moves into Fifth Year Still Building Recovery Momentum
- 9/21/2012
BakerHostetler's work recovering more than half of the losses in the Madoff Ponzi scheme featured on WNYC in interview on *The Brian Lehrer Show*
- 9/20/2012
Press Release: Second Interim Distribution of Recovered Funds to Madoff Claim Holders
- 6/25/2012
Press Release: United States Supreme Court Denies Certiorari, Upholding Net Equity Decision in BLMIS Liquidation
- 1/5/2012
The Wall Street Journal showcases BakerHostetler and the "unprecedented magnitude" of the global recovery efforts in article "The Madoff Liquidation, Three Years Later"
- 10/4/2011
Press Release: Initial Interim Distribution of Recovered Funds to Madoff Claims Holders
- 12/17/2010
The New York Times reports on BakerHostetler's negotiation and settlement with the Picower Estate for \$5 billion in the SIPA liquidation of Bernard L. Madoff Investment Securities LLC

- 6/17/2009
2009 "Rising Stars" Announced
- 6/21/2007
New 2007 "Rising Stars" Announced
- 2/4/2004
Baker Hostetler Announces New Partners

Services

- Commercial Litigation
- White Collar, Investigations and Securities Enforcement and Litigation
- Compliance

Industries

- Investment Funds

Prior Positions

- Assistant Prosecuting Lawyer, Cuyahoga County
 - Investigated and prosecuted felony cases, including homicide and white collar crimes.
 - First chaired more than 50 bench and jury trials

Admissions

- New York, 1997
- Ohio, 1995

Education

- J.D., Indiana University School of Law, 1995, *cum laude*; Managing Editor, *Indiana Law Journal*
- B.A., Miami University, 1992

BakerHostetler

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Overview

Arielle Brown's insight into the complex and fast-paced field of privacy, cybersecurity, and data management makes her a trusted counsel for clients of her developing privacy and data protection practice. Arielle regularly advises clients on a wide range of domestic and international communications and privacy matters, including compliance with the California Consumer Privacy Act (CCPA), General Data Protection Regulation (GDPR), Personal Information Protection and Electronic Documents Act (PIPEDA), Telephone Consumer Protection Act (TCPA), Telemarketing Sales Rule (TSR), CAN-SPAM, Video Privacy Protection Act (VPPA), Children's Online Privacy Protection Act (COPPA), Gramm-Leach-Bliley Act (GLBA), and Federal Credit Reporting Act (FCRA). A Certified Information Privacy Professional (CIPP/US) by the International Association of Privacy Professionals, Arielle helps clients of all sizes navigate complex data protection issues around the globe, offering practical, actionable advice tailored to fit each client's privacy and cybersecurity needs.

Experience

- Develops and implements CCPA and EU GDPR compliance programs for U.S. and international organizations. This includes advising clients on data mapping, data transfer mechanisms, data subject request response and procedures, data protection impact assessments/privacy impact assessments, recordkeeping, the appointment of privacy officers and representatives, and employee training.
- Drafts and negotiates data protection/data processing agreements regarding the handling of personal data.
- Advises on compliance with international data transfer restrictions and data localization requirements, including the implementation of cross-border transfer mechanisms such as the EU-U.S. Privacy Shield Framework, standard contractual clauses, intercompany agreements, and binding corporate rules.
- Drafts and negotiates privacy and data security provisions for commercial contracts, including service provider agreements.
- Prepares and implements employee training programs, including training programs for compliance with the GDPR, CCPA, and U.S. marketing laws and regulations.
- Drafts external and internal privacy and data security policies and procedures, and assists with creating the protocols necessary for implementation.
- Advises on the remediation of privacy and data security deficiencies and gaps in legacy vendor contracts.
- Assists with M&A due diligence relating to data privacy, including reviewing and assessing the current compliance posture of target companies and providing advice on the level of risk associated with the transaction.
- Advocates on behalf of clients in licensing and regulatory matters before the Federal Trade Commission (FTC), Federal Communications Commission (FCC), and National Telecommunications and Information Administration (NTIA).

Recognitions and Memberships

Memberships

- International Association of Privacy Professionals
 - Certified Information Privacy Professional (CIPP/US)

Alerts

- 5/22/2018
2017 Class Action Review

Articles

- 6/5/2019
Privacy and Data Protection Team Exclusively Pens U.S. Chapter of Legal 500 Guide

Community

- Silicon Flatirons

Services

- Privacy and Data Protection

Emerging Issues

- U.S. Consumer Privacy and the CCPA

Prior Positions

- International Association of Privacy Professionals: Westin Fellow (2014 to 2015)
- Federal Trade Commission: Law Clerk (2013)
- The Honorable Judge William Lucero: Judicial Intern (2012)

Admissions

- Colorado
- District of Columbia

Education

- J.D., University of Colorado Law School, 2014; *Colorado Technology Law Journal*, Editor-in-Chief; Silicon Flatirons 2013 Privacy Conference, Symposium Editor; Palantir Privacy Law Scholarship Recipient; The Honorable Stephen F. Williams Leadership Award
- B.A., University of Colorado, 2008, with distinction

Languages

- American Sign

BakerHostetler

Lee A. Casey

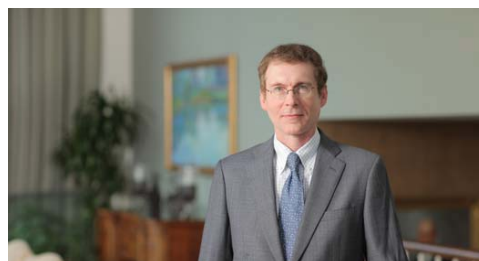
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Overview

Lee Casey performs appellate work for clients, while also maintaining a practice in the areas of administrative law, compliance counseling and foreign-related litigation. He works with companies to ensure compliance with federal and international regulations and agencies and develops the best strategies to avoid or fight litigation. With a thorough understanding of his clients' industries and business positions, Lee helps create compliance and litigation strategies that achieve client objectives as efficiently as possible.

Experience

- Assists individuals, companies and non-profits in complying with the Foreign Agents Registration Act, which in general requires those engaged in public relations or political activities in the United States on behalf of foreign governments and other foreign individuals and entities to register with the United States Department of Justice, and to make regular reports regarding their activities. Advises clients on the registration and reporting requirements of the Lobbying Disclosure Act, which covers federal lobbying activities on behalf of domestic individuals and companies.
- Represents a corporation on an ongoing basis regarding administrative concerns related to the Clean Air Act. Attends agency meetings and analyzes Environmental Protection Agency regulations applicable to the client and its operations. Protects the client's interests during administrative processes, including instances where governmental agencies and the client have conflicting agendas.
- Represented 26 states challenging the constitutionality of Medicaid revisions under the Patient Protection and Affordable Care Act, arguing that an "individual mandate" was beyond the powers granted to Congress under the Commerce Clause and the Necessary and Proper Clause. The United States District Court for the Northern District of Florida ruled in favor of the states at the case outset. The government appealed the case to the Eleventh Circuit, where the original decision was affirmed.
- Assists companies, including international consulting and oil and gas companies, in domestic and international Foreign Corrupt Practices Act compliance counseling. Observes companies' operations and internal workings to plan and face potential concerns before they become larger issues.
- Defended a *Bivens* action brought against former Secretary of Defense Donald Rumsfeld during representation before the Fourth Circuit.

Recognitions and Memberships

Recognitions

- Burton Distinguished Legal Writing Award (2011)

News

- 5/5/2014
BakerHostetler talks with *USA Today* about the SIPA Trustee's fourth pro rata interim distribution; states Madoff Recovery Initiative nears \$6 billion in distributions to allowed claimants

- 1/13/2014
Law360 article on SCOTUS Request for DOJ Opinion on SIPA Trustee's Petition for Writ of Certiorari names BakerHostetler attorneys
- 1/7/2014
BakerHostetler's settlement with JPMorgan Chase and the ongoing Madoff Recovery Initiative Discussed on National Public Radio's *All Things Considered*
- 2/15/2013
BakerHostetler appears on NPR's *All Things Considered* to discuss Madoff Recovery Initiative; host Robert Siegel interviews SIPA Trustee Irving Picard and his Chief Counsel David Sheehan
- 2/12/2013
Madoff Recovery Initiative surpasses \$5 billion in distributions to allowed claimants; CNBC's Scott Cohn discusses latest recovery with BakerHostetler's SIPA Trustee Irving Picard and his Chief Counsel David Sheehan

Pro Bono

- Served as *amici curiae* counsel for former Secretaries of Defense and members of the Joint Chiefs of Staff.
- Prepared *amici curiae* briefs when representing clients in a New York case before the Second Circuit Court of Appeals.
- Served as counsel to the Victims of Communism Memorial Foundation from 1995 to 2013.
- Served as a member of the United Nations Subcommission on the Promotion and Protection of Human Rights from 2004 to 2007.

Services

- Foreign Corrupt Practices Act (FCPA)
- Environmental
- Appellate and Major Motions

Prior Positions

- Hunton & Williams: Associate
- U.S. Department of Justice
 - Office of Legal Counsel (1992 to 1993)
 - Office of Legal Policy (1986 to 1990)
- U.S. Department of Energy: Deputy Associate General Counsel for Legal Policy (1990 to 1992)
- Mitchell, Silberberg & Knupp: Associate
- Law Clerk to the Honorable Alex Kozinski, Chief Judge of the United States Claims Court (1984 to 1985)
- Dykema Gossett (1982 to 1984)
- George Mason University School of Law: Adjunct Professor of Law (1990 to 1994)

Admissions

- District of Columbia, 1995
- California, 1985
- Michigan

Education

- J.D., University of Michigan Law School, 1982, *cum laude*
- B.A., Oakland University, 1979, *magna cum laude*

Claudia Cash

Associate

Cleveland

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Prior Positions

- BakerHostetler: Summer Associate
- The Sherwin-Williams Company, Legal Department: Law Clerk
- Centers for Disease Control and Prevention, Office of the Chief of Staff: Public-Private Partnerships Graduate Assistant

Admissions

- [Ohio Bar admission pending]

Education

- J.D., The Ohio State University Michael E. Moritz College of Law, 2019; *Ohio State Law Journal*, Managing Editor
- M.P.H., Emory University Rollins School of Public Health, 2016
- B.S., The Ohio State University, 2014; Mortar Board National Senior Honor Society

Claudia Cash's interest in business drives her developing practice. Prior to joining the firm, she assisted in-house counsel at a manufacturing company with a variety of different matters, including in the areas of bankruptcy, corporate governance, regulatory compliance and litigation. She also has experience planning and partaking in conflict of interest meetings, gained from her time working at the Centers for Disease Control and Prevention.

**Ohio Bar admission pending*

Joseph L. Chairez

Partner

Costa Mesa

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jchairez@bakerlaw.com



Services

- Commercial Litigation
- Product Liability and Toxic Tort

Industries

- Investment Funds
- Aerospace and Defense

Admissions

- U.S. Court of Appeals, Ninth Circuit
- U.S. District Court, Eastern District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Central District of California
- U.S. District Court, Southern District of California
- High Court Trust Territory of the Pacific Islands
- California
- Republic of Palau

Education

- J.D., University of California, Davis School of Law, Published Member of *U.C. Davis Law Review*
- B.S., University of California, Berkeley

Languages

- Spanish

Joseph Chairez is a business trial lawyer who has litigated numerous complex business, products/technology, employment and construction defect matters. He also has a firmwide insurance coverage practice, litigating coverage on behalf of corporate policyholders, which has produced millions of dollars of insurance policy benefits for his clients. Joseph is the Litigation Group Coordinator for the BakerHostetler Costa Mesa office and a member of the Pro Bono Committee for the firm. Additionally, he speaks on a variety of trial, ethics and litigation topics at CLE seminars.

Experience

Products/Technology

- Represented a commercial aircraft product manufacturer in a case involving product design, testing and related issues.
- Represented an aviation products manufacturer in a case involving printed circuit boards and related technology.
- Counsel in a guidance system product and testing case. Represented a high-tech testing company.
- Counsel in a major toxic tort litigation against multiple manufacturers, and distributors of automobiles and related products; obtained a dismissal on behalf of the client manufacturer of plastic products.
- Counsel in toxic tort claims brought by the plaintiff against multiple manufacturers of wood treatment products; obtained dismissal of the manufacturer of product constituent.
- Counsel in a construction defect case against a manufacturer of homes and related housing construction products, and obtained dismissal on behalf of the client manufacturer.
- Represented clients in a variety of other litigation involving products, including an LPG burn case involving valves, a case involving home appliance products, a severe elevator injury matter, a case involving thermal paper used for prescriptions and a complex coverage matter involving satellite solar arrays.

Employment

- Defense trial counsel on a multiplaintiff federal court discrimination case for a national freight company seeking millions of dollars. The

three-week jury trial resulted in an outright defense as to two plaintiffs, and a favorable defense verdict as to the remaining plaintiffs.

- Defense trial counsel on a federal employment age discrimination, misclassification and unfair business practice case where the plaintiff sought \$1.1 million plus punitive damages. The plaintiff waived jury on the eve of trial, and at close of the bench trial a defense verdict was awarded on all causes of action.
- Defense trial counsel for manufacturing client in a wage-and-hour class action. Plaintiffs waived jury and the bench trial resulted in a favorable defense verdict for the client.
- Defense trial counsel for a national freight company in a state court discrimination case. At the close of jury selection, plaintiff requested to settle in an amount favorable to defendant.

Insurance

- Coverage counsel for a subprime lender against a failing national non-admitted carrier. Obtained an \$11.5 million bond from the carrier to protect the client's claim resulting in the subprime lender being one of the few insureds in California to have its claims paid. As reported in the *Los Angeles Daily Journal*, the general counsel commented, "That was worth its weight in platinum."
- Represented a global company in defense against a carrier's reimbursement claim on an underlying matter involving aerospace products related to multiple satellites. Obtained a favorable summary judgment ruling, removing approximately \$12 million from the carrier's claims, with the matter settling shortly thereafter.
- Represented officer/general counsel in a coverage dispute with various carriers involving an underlying corporate mismanagement case. Litigated various layers of coverage and as to one carrier, after a favorable summary judgment ruling, obtained its \$10 million policy and payment of all fees and costs to obtain coverage.

Business Litigation/Torts

- Represented a global service technology company in suit against a competitor for corporate raiding and misappropriation of trade secrets. Obtained multiple favorable seven-figure settlements for the client.
- Trial counsel for a defendant insurance carrier in a defamation case with matter being tried to a jury. Obtained a defense verdict of non-suit.
- Defense trial counsel representing real estate broker and agent in a fraudulent transaction case. Obtained a defense verdict after a 2-week jury trial.

Recognition

- Hon. Francisco Briseno Lifetime Achievement Award, Hispanic Bar Association of Orange County (2018)
- Southern California "Super Lawyer" (2004 to 2019)
- *Orange County Metro Magazine*: Top Litigators in Orange County (2009, 2011 to 2015)
- Orange County Top 50 Lawyers (2013, 2014)

- Martindale-Hubbell: AV Preeminent
- 10/10 Superb rating as an attorney by AVVO.com (2012 to 2019)
- Hispanic Bar Association: Attorney of the Year (2007)
- United Way: Hispanic Influential (2008)

Memberships

- Orange County Bar Association: President (2007)
- Board of Governors of the State Bar of California: Vice President (2011)
- Orange County Hispanic Bar Association: President (1997)
- Celtic Bar Association: President (2001 to 2002)
- California Supreme Court Historical Society: Board Member (2014 to 2019)
- American Bar Foundation: Fellow (2011 to 2018)
- Public Law Center: Board Member (2019)

Community

- California Commission on Access to Justice: Co-Chair (2008)
- El Viento Foundation: Co-Chair of Advisory Committee (2013 to 2014)
- Hispanic Education Endowment Fund: Board Member (1997 to 2007)
- Public Law Center: Board of Directors (2002 to 2004)

Gregory J. Commins Jr.

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Services

- Commercial Litigation
- Antitrust and Competition
- Patent Litigation

Prior Positions

- Howrey LLP, Commercial Litigation Group: Co-Chair

Admissions

- U.S. Court of Appeals, Federal Circuit
- U.S. Court of Appeals, Eleventh Circuit
- U.S. Court of Appeals, District of Columbia Circuit
- U.S. District Court, District of Colorado
- U.S. District Court, District of Columbia
- U.S. District Court, Central District of Illinois
- District of Columbia
- New York

Education

- J.D., Georgetown University Law Center, 1990, *magna cum laude*; Order of the Coif; Executive Editor, *Georgetown Journal of Legal Ethics* (1989 to 1990)
- B.A., Cornell University, 1987

Greg Commins is an established trial lawyer who focuses his practice on matters involving antitrust class action litigation, intellectual property disputes and complex commercial litigation. He has experience representing both plaintiffs and defendants in multiweek trials and on appeal throughout the country, as well as providing counsel on a variety of complicated commercial issues.

Greg is a contributor to BakerHostetler's Antitrust Advocate blog, providing informative commentary on the latest developments in the antitrust litigation sector. He is also an Accredited Mediator through the Centre for Effective Dispute Resolution.

Experience

- Representing a class of dairy farmers in the northeastern United States against defendants in an action alleging violations of sections 1 and 2 of the Sherman Act by unlawfully conspiring to eliminate competition for the marketing, sale and purchase of raw milk in the Northeast.
- Represented a certified class of dairy farmers located in 14 southeastern states against Dairy Farmers of America, Dean Foods and a number of other defendants in an action alleging violations of sections 1 and 2 of the Sherman Act by unlawfully conspiring to eliminate competition for the marketing, sale and purchase of raw milk in the Southeast. The litigation was settled for more than 70 percent of the alleged damages.
- Represented a manufacturing client in two five-week jury trials regarding the prosecution of breach of contract and trade secret misappropriation claims involving the proper ownership and inventorship of fuel injector patents in which the plaintiff's verdicts were rendered. Moved for summary judgment against the defendants' counterclaims for breach of contract, trade secret misappropriation and fraud, which was granted.
- Represented a manufacturing client in a private antitrust case challenging parts acquisition and distribution practices. The client prevailed on directed verdict motion on the antitrust claims and obtained a jury verdict on the state law claims after presentation of the case to a jury in a five-week trial.
- Represented a manufacturing client in nine lawsuits over seven years involving claims of breach of contract, breach of license agreements,

tortious interference, trade secret misappropriation and fraud in which settlements were obtained. Handled similar matters for the client against the same parties in multiple federal districts (patent infringement cases), Illinois state court (breach of contract claims) and before the United States Patent and Trademark Office (separate interference and reexamination proceedings).

- Represents a manufacturing client in a patent infringement action with a supplier alleging the client's infringement on five patents related to tool production. Countered with a claim that the supplier had infringed on two of the client's patents. The ongoing matter is challenging the business relationship between the client and supplier, adding challenges to the business operations feeding into competing lawsuits.
- Served as counsel on behalf of steel company plaintiffs alleging unlawful conspiracy to monopolize against various railroads. The matter resulted in a plaintiff's verdict, which was upheld on appeal.
- Represented a client in a patent infringement lawsuit involving WCDMA and GSM technology in which the stipulation of noninfringement of one patent was reached following the court's Markman ruling; on the second patent, an order was entered precluding the plaintiff's damages expert under Daubert and summary judgment of no-pursuit damages based on the plaintiff's failure to mark under 35 U.S.C. 287(a) was obtained.
- Representing a manufacturing client in a patent infringement lawsuit involving vehicle tracking technology.
- Representing a manufacturing client in a patent infringement suit related to vehicle management systems.
- Representing a manufacturing client in a patent infringement suit related to an internet organizer for accessing geographically and topically based information.
- Served as counsel in a four-week jury trial involving claims of copyright infringement and breach of contract involving software. Following the trial, the parties settled the case.
- Acted as counsel in a bench trial. Sought a preliminary injunction against trade secret misappropriation in a case involving the provision of technical support services to the Royal Saudi Air Force.
- Serving as counsel in a six-week jury trial, defended a client against antitrust, fraud and misrepresentation claims based on a manufacturer's export restrictions that were promulgated in order to support overseas distributors and customers. Obtained judgment as a matter of law on the antitrust claims at the close of all the evidence. The jury returned verdicts in favor of the client on all remaining claims. The judgment was affirmed on appeal.

Recognition

- The Legal 500 United States (2014 to 2019)
 - Recommended in Antitrust - Civil Litigation/Class Actions: Defense
- Washington, D.C. "Super Lawyer" (2012 to 2019)

- CEDR Accredited Mediator

Memberships

- Pauline Newman American's Inn of Court
- American Bar Association

Pro Bono

- Worked with the Archdiocesan Legal Network.

Robert W. Cordiak

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Prior Positions

- U.S. Department of Justice, Office of European Litigation: Intern (2017)
- The Honorable Barbara Scheper, Los Angeles Superior Court: Judicial Extern (2016)
- BlueMark Capital, LLC: Asset Management Intern (2014 to 2015)

Admissions

- Ohio

Education

- J.D., Notre Dame Law School, 2018; *Notre Dame Journal of Law, Ethics & Public Policy*, Staff Member; Student Bar Association, Alumni Relations Committee
- B.B.A., University of Cincinnati, 2015, *magna cum laude*

Diligent and detail-oriented, Bob Cordiak is focused on meeting clients' needs. His diverse legal experience ranges from drafting non-reliance clauses and conducting research on internet libel, to navigating loan service agreements during his two years at a commercial real estate firm.

Cory M. Curtis

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Services

- Commercial Litigation
- Product Liability and Toxic Tort
- International Arbitration and Litigation
- Construction

Industries

- Energy Industry
- Shale
- Distribution and Franchise

Admissions

- U.S. Court of Appeals, Sixth Circuit
- U.S. Court of Appeals, Tenth Circuit
- U.S. District Court, District of Nebraska
- U.S. District Court, Eastern District of Michigan
- U.S. District Court, District of Colorado
- U.S. District Court, Southern District of Texas
- Colorado
- Texas

Education

- J.D., University of Denver Sturm College of Law, 2003
- B.A., Hope College, 1999

Cory Curtis litigates complex commercial cases in federal, state and administrative courts, as well as in private arbitration proceedings across the country. Cory often represents equipment manufacturers in distribution and franchise matters, product liability claims alleging catastrophic loss and wrongful death, and disputes involving contracts and business torts. When Cory advises on high-stakes litigation matters, he helps his clients to achieve both their legal and business objectives.

Experience

- Prevailed in seven-day administrative law trial before Texas State Office of Administrative Hearings for Class 8 truck manufacturer by showing manufacturer's good cause to reduce dealer's AOR because of dealer's poor sales and service performance and successfully defended case on appeal.
- Secured jury verdict and awarded attorney's fees and costs for drilling company client in case involving breach of the International Association of Drilling Contractor's form contract in the U.S. District Court for the District of Colorado. Prosecuted the drilling company's breach-of-contract case and defended against counterclaims involving allegations of rig-component product liability as well as unsafe drilling practices and OSHA violations.
- Prevailed in appeal before the United States Court of Appeals for the Sixth Circuit in a dealership termination dispute between an equipment manufacturer and an equipment dealer. The Sixth Circuit ruled in favor of the client that the dealer was not permitted to shield the federal case record from public access on concerns that publicity would harm the dealership. *Rudd Equip. Co., Inc. v. John Deere Constr. & Forestry Co.*, 834 F.3d 589 (6th Cir. 2016).
- Secured jury verdict for publicly traded engineering and manufacturing company in the U.S. District Court for the District of Colorado by arguing that the client's carbon steel boat steering cable design was not defective, and the jury should decide that issue using the risk-benefit test, not the consumer expectation test. Defended verdict on appeal. *Kokins, et al. v. Teleflex Inc.*, 621 F.3d 1290 (10th Cir. 2010).
- Awarded summary judgment for component part supplier in a California federal court strict product liability and fraud case involving a failed microtunnel boring machine. *Nada Pacific Corp. v. Power Engineering*

& Mfg., Ltd., 73 F. Supp. 3d 1206 (N.D. Cal. 2014).

- Awarded summary judgment in favor of an engineering client in case involving alleged storage silo failures by arguing the parties' contracts defeated claims for third-party beneficiary status and implied warranty in the U.S. District Court for the Eastern District of Pennsylvania. *Lone Star Industries, Inc. v. Besser Company*, Civ. Action No. 11-1481, 2013 WL (April 17, 2013, E.D. Pa.).
- After nearly a decade of litigation in New York state court, secured agreement to transfer venue to arbitration and later won defense award for manufacturer facing claims over a failed joint venture to sell equipment to factories in Greece.
- Awarded summary judgment for publicly traded engineering and manufacturing firm in catastrophic injury and quadriplegia products liability case in Maricopa County, Ariz., by defeating plaintiffs' causation theory where plaintiffs sought more than \$30 million in damages.
- Awarded summary judgment for equipment seller in a warranty case in New York County, New York, by arguing the Chinese buyers' claims were barred by the statute of limitations. The buyers were required to pay for the goods and the installation services the client provided in China.
- Led representation of a Mexican dairy products manufacturer in Texas litigation with American distributor.
- Secured dismissal of dealer's tortious interference claim in dealership termination matter by arguing that Michigan law precluded that claim where the parties had a dealer agreement. *VIP Truck Center, LLC v. Volvo Trucks North America*, Case No. 15-CV-12381, 2015 WL 7351998 (Nov. 20, 2015, E.D. Mich.).

Memberships

- American Bar Association
- Colorado Bar Association
- Texas Bar Association
- Denver Bar Association

Community

- University of Denver, Sturm College of Law: Alumni Council (2016)
- Businesses of Thornton Advisory Commission: Chairperson (2011 to 2014)

Kyle T. Cutts

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Services

- Appellate and Major Motions
- Commercial Litigation
- Class Action Defense
- Antitrust and Competition

Industries

- Financial Services Industry

Prior Positions

- Law Clerk for the Honorable Jay S. Bybee, U.S. Court of Appeals, Ninth Circuit (2011 to 2012)

Admissions

- Ohio
- California

Education

- J.D., Case Western Reserve University School of Law, 2008, *summa cum laude*, Order of the Coif, Graduated First in Class
- B.A., Wake Forest University, 2002

Kyle Cutts focuses primarily on appellate litigation, motions practice, and trial strategy in state and federal courts. His experience spans many areas of law, including consumer class actions, commercial contract disputes and antitrust matters. Kyle also has experience defending class action lawsuits related to auto-renewal or continuous-service subscriptions, including claims brought under California's auto-renewal statute, Cal. Bus. & Prof. Code § 17600, *et seq.* Additionally, he maintains an active pro bono practice.

Kyle previously served as a law clerk for the Honorable Jay S. Bybee of the Ninth Circuit Court of Appeals. Prior to attending law school, he worked in Silicon Valley and in Hyderabad, India, for Google Inc. He also served as a Fulbright Scholar in Hamburg, Germany.

Experience

- Secured dismissal of a class action complaint challenging client's use of an auto-renewal subscription service. At oral argument the court dismissed the complaint in its entirety and denied the plaintiffs leave to amend.
- Drafted a successful motion to dismiss a multi-count complaint asserting breach-of-warranty and negligence theories. Also drafted the briefing before the Fifth Circuit Court of Appeals, which affirmed the dismissal.
- Recently argued before the Seventh Circuit Court of Appeals in a case involving a dismissed petition for habeas corpus relief.
- Defended a leading home-goods manufacturer against a series of putative class actions in which plaintiffs alleged the manufacture and sale of failure-prone component parts.
- Successfully defended a client against the FTC in an antitrust merger challenge.
- Represented a department store chain against a competitor for tortious interference with a license agreement.

Memberships

- Case Western Reserve University Law School Alumni Board

- American Bar Association
- Ohio State Bar Association

Pro Bono

- Successfully secured release of a prisoner sentenced to life in prison without the possibility of parole as a juvenile.
- Represented a prisoner appealing the dismissal of his federal habeas petition.
- Successfully obtained asylum for an individual fleeing persecution in central Africa.

Alyssa M. Daniels

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Prior Positions

- BakerHostetler: Summer Associate

Admissions

- [Ohio Bar admission pending]

Education

- J.D., University of Virginia School of Law, 2019; *Virginia Business Law Review*, Executive Editor; Lambda Law Alliance; Virginia Employment and Labor Law Association
- B.A., Political Science and Sociology; Minors in Business Management, Public Policy, Case Western Reserve University, 2016, *cum laude*

Alyssa Daniels's developing practice is bolstered by her experiences working directly with clients on a variety of matters. She has managed client intake processes and interviews, collaborating with other attorneys to accurately convey the client's position and goals. Additionally, Alyssa has experience researching legislative developments and providing an analysis of the law's new applications.

**Ohio Bar admission pending*

Community

- Legal Aid of Northwest Texas: Volunteer (2016)

Austin N. Davis

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Prior Positions

- BakerHostetler: Summer Associate
- Suffolk County District Attorney's Office: Appellate Division Summer Prosecutor
- International Refugee Assistance Project, Harvard Law School Chapter: Co-Director
- Harvard Law School Immigration Project: Co-President

Admissions

- [Ohio Bar admission pending]

Education

- J.D., Harvard Law School, 2019;
Harvard Civil Rights-Civil Liberties Law Review
- B.A., Political Science, Middlebury College, 2011, *cum laude*

Austin Davis's strong research and writing skills create the framework for his growing practice. He has experience writing motion briefs and appellate briefs, as well as reviewing large amounts of documents for standardization and revisions. Notably, Austin has submitted and argued multiple complex asylum cases, both defensive and affirmative.

**Ohio Bar admission pending*

BakerHostetler

Mark W. DeLaquil

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Overview

Mark DeLaquil is an experienced advocate who focuses on appellate practice, complex environmental and regulatory proceedings, and political law.

Mark has been recognized by Chambers USA for environmental litigation (2015), and has been named by Law360 as one of the "Top 5 Environmental Attorneys Under the Age of 40" on two occasions. He has also been designated as a Super Lawyers "Rising Star" (2014).

Experience

Environmental Regulatory Proceedings and Litigation

- Represented state and private clients in Clean Air Act administrative proceedings and litigation, including preparing comments on proposed actions and contesting them in courts of appeals. Has extensive experience in actions concerning climate change, air quality standards, emission standards, preconstruction and operating permits, and state implementation plans.
 - Represented a manufacturing company in an administrative proceeding defending the validity of its preconstruction and operating air permit.
 - Counseled a leading electric utility on Clean Air Act compliance strategy and the potential legal implications of climate change for the U.S. industry.

Trial and Appellate Litigation

- Represented parties in appeals throughout the United States and argued numerous appeals in the Second, Seventh, Eighth, Ninth, and District of Columbia Circuits.
 - Argued appeals on behalf of manufacturers in support of affirmance of a decision dismissing a citizen suit alleging violations of the Clean Air Act preconstruction permitting program.
 - Argued an appeal on behalf of a nonprofit organization in support of affirmance of a preliminary injunction stopping a criminal investigation.
 - Argued an appeal in support of the reversal of a decision confirming labor arbitration awards.
 - Argued a challenge to a decision revising approval of a state implementation plan arising out of the Clean Air Act greenhouse gas regulation.
- Lead trial counsel or co-lead trial counsel in numerous federal court trials.
 - Lead trial counsel in an action obtaining permanent injunction barring the enforcement of state law binding delegates to national party conventions to the results of a presidential preference primary.
 - Co-lead trial counsel representing inventor in bench trial on whether the inventor was barred by prosecution laches from obtaining multiple patents. The court granted judgment on partial findings in favor of inventor.
 - Lead or co-lead trial counsel in multiple federal court actions to obtain patents.
- Represented parties and *amici curiae* in proceedings before the U.S. Supreme Court and nearly all of the U.S. Courts of Appeals.

- Represented an *amicus* group composed of all former Secretaries of Defense and members of the Joint Chiefs of Staff in an appeal of a decision denying qualified immunity to former Secretary of Defense Donald Rumsfeld, helping secure a rehearing en banc.
- Represented an *amicus* group of law professors before the U.S. Supreme Court supporting a petition for *certiorari* and merits proceedings in a global climate change public nuisance suit against electric utilities.

Political Law

- Represented clients in a full array of campaign finance matters, from counseling compliance to successfully challenging the enforcement of state campaign finance law.
 - Obtained a preliminary injunction barring the enforcement of a state law requiring certain social welfare organizations to register as political committees.
 - Obtained a preliminary injunction barring the enforcement of a state law barring coordination between candidates and unaffiliated organizations concerning issues advocacy.
 - Argued an appeal seeking affirmance of a decision enjoining a criminal investigation into alleged state campaign finance violations.
 - Has counseled businesses and nonprofit entities on compliance campaign finance and ethics law requirements.

Recognitions and Memberships

Recognitions

- The Legal 500 United States (2019)
 - Recommended in Environment Litigation
- Chambers USA: Litigation: Environment in the District of Columbia (2015 to 2019)
 - Band 5 (2017 to 2019), Up & Coming (2015 to 2016)
- Law360 "Rising Star" in Environmental (2016)
- Law360 "Top 5 Environmental Attorneys Under the Age of 40"
- Martindale-Hubbell: AV Preeminent
- Washington, D.C., "Super Lawyer" (2018 to 2019)
 - Washington, D.C., Super Lawyers "Rising Star" (2014)

Memberships

- ALI-ABA: Faculty of Global Warming: "Climate Change and the Law"

News

- 5/5/2014
BakerHostetler talks with *USA Today* about the SIPA Trustee's fourth pro rata interim distribution; states Madoff Recovery Initiative nears \$6 billion in distributions to allowed claimants
- 1/13/2014
Law360 article on SCOTUS Request for DOJ Opinion on SIPA Trustee's Petition for Writ of Certiorari names BakerHostetler attorneys
- 1/7/2014
BakerHostetler's settlement with JPMorgan Chase and the ongoing Madoff Recovery Initiative Discussed on National Public Radio's *All Things Considered*
- 2/15/2013
BakerHostetler appears on NPR's *All Things Considered* to discuss Madoff Recovery Initiative; host Robert Siegel interviews SIPA Trustee Irving Picard and his Chief Counsel David Sheehan
- 2/12/2013
Madoff Recovery Initiative surpasses \$5 billion in distributions to allowed claimants; CNBC's Scott Cohn discusses latest recovery with BakerHostetler's SIPA Trustee Irving Picard and his Chief Counsel David Sheehan

Press Releases

- 6/3/2019
BakerHostetler Attorneys Make Significant Gains in The Legal 500 Annual Guide
- 4/29/2019
Chambers and Partners USA Honors 127 Attorneys and 43 Practice Areas in 2019 Guide
- 5/3/2018
Chambers and Partners USA Honors 118 Attorneys and 45 Practice Areas in 2018 Guide

Services

- Commercial Litigation
- Environmental
- Appellate and Major Motions
- Political Law

Industries

- Energy Industry

Admissions

- U.S. Court of Appeals, Federal Circuit, 2017
- U.S. Court of Appeals, Second Circuit, 2013
- U.S. Court of Appeals, Fourth Circuit, 2004
- U.S. Court of Appeals, Fifth Circuit, 2009
- U.S. Court of Appeals, Seventh Circuit, 2006
- U.S. Court of Appeals, Eighth Circuit, 2015
- U.S. Court of Appeals, Ninth Circuit, 2013
- U.S. District Court, Eastern District of Wisconsin, 2014
- U.S. District Court, District of Columbia, 2006
- U.S. District Court, Eastern District of Virginia, 2005
- U.S. Bankruptcy Court, Eastern District of Virginia, 2006
- U.S. Court of Appeals, District of Columbia Circuit, 2006
- U.S. Court of Appeals, Third Circuit
- District of Columbia, 2005
- Virginia, 2004

Education

- J.D., Harvard Law School, 2004, *cum laude*
- B.A., University of Florida, 2001, *magna cum laude*

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Overview

Steven Dettelbach is a seasoned litigator and counselor who serves as co-leader of BakerHostetler's national White Collar, Investigations and Securities Enforcement and Litigation team. He returned to the firm in 2016 after spending almost seven years as the presidentially appointed United States Attorney for the Northern District of Ohio. As U.S. attorney, Steve ran high-profile investigations and both supervised and personally handled large-scale, crisis-level litigations, many of which involved intense public and media scrutiny. He also supervised a broad docket of complex civil matters, representing both defendants and plaintiffs. He has worked closely with and led selection processes for independent monitors when required.

Steve brings a depth of experience in managing crisis-level commercial, regulatory and criminal matters, as well as in advising clients on how to structure compliance programs so as to help avoid such problems. He has served in senior policy roles at the Department of Justice, having been appointed by two attorneys general to the prestigious Attorney General's Advisory Committee (AGAC), where he worked closely with other senior leaders at the department. Prior to his appointment, Steve served for almost two decades as a federal prosecutor at Main Justice and in three different United States Attorneys' Offices, as counsel in the United States Senate Judiciary Committee, as the nominee for Ohio Attorney General in 2018, and as a litigator in private practice. He has represented companies and individuals in high-stakes criminal, civil, internal and congressional investigations. He has tried more than 30 cases to verdict and been involved in criminal matters in more than 20 states and the District of Columbia. Steve has never lost a federal criminal trial.

Experience

In his 28-year career, Steve has been involved in nearly every type of criminal, civil or regulatory investigation, in many circumstances with experience serving as counsel on different sides. He has also served as counsel on both sides of congressional hearings and investigations. Representative matters and areas of experience include:

Healthcare

- Counseled an internet-based healthcare provider in its efforts to ensure compliance with multiple state and federal anti-kickback and inducement statutory and regulatory schemes.
- Represented a nursing home chain in a federal investigation that began as a criminal matter, was changed to a civil investigation and resulted in a regulatory action in which the client paid no fine or penalty.

White Collar and Compliance

- Represented executives in major international DOJ and EPA investigation of alleged corporate fraud scheme.
- Represented companies and individuals in investigations by DOJ and Labor Department of alleged violations of labor laws.

- Personally handled one of the largest-ranging municipal corruption prosecutions in United States history, resulting in three trials and the conviction of officials and businesspeople in four major cities.
- Organized a coalition of more than 100 leading local businesses in Cleveland to improve their compliance and anti-corruption protections.
- Defended an executive in a bribery case involving construction projects at a healthcare agency. The defendant in that case pleaded guilty and received a sentence significantly lower than did the others involved in that scheme.
- Appointed by the governor and served as a commissioner on the Ohio Ethics Commission.

FCPA

- Represented a senior energy executive in an FCPA and antitrust investigation in which the executive was identified as a target, but no charges were ever brought.
- Supervised a major FCPA investigation in which the target company negotiated a Deferred Prosecution Agreement and paid a fine in the tens of millions of dollars. Led the selection of an independent monitor for the company.
- Counseled and represented companies and individuals in investigations and on compliance issues involving the FCPA.

Cybersecurity

- Oversaw the prosecution of a "hacktivist" for breaching the network of a nationally prominent cable news host.
- Led the effort to form a regional cybersecurity information-sharing consortium involving many of the largest corporate entities and universities in northern Ohio, the Federal Reserve Bank, the FBI, the United States Secret Service, and the United States Attorney's Office. Hosted a kickoff cybersecurity summit featuring the director of the FBI.

Financial Services

- Oversaw the investigation and personally tried a case involving the largest credit union failure in United States history. The investigation resulted in convictions of more than 20 businesspeople, bank officials and organized crime figures for bank bribery, fraud and obstruction of justice.
- Oversaw a civil False Claims Act enforcement action involving a large bank for its actions leading up to the mortgage meltdown, resulting in a \$200 million fine.

Congressional Matters

- Represented a senior House staff member in an investigation by the House Committee on Official Standards (Ethics).
- Served as counsel on the United States Senate Judiciary Committee, helping to draft and negotiate many of the key enforcement provisions of the Sarbanes-Oxley Act following oversight hearings in the Enron scandals.

Civil Rights

- Oversaw the pattern and practice investigation of a major city police department and negotiated a landmark consent decree widely recognized as a national reform model. Led the selection of an independent monitor team to ensure compliance.
- Oversaw and handled numerous hate crimes prosecutions, including ritual violence directed at Amish victims and the torching of one of Ohio's largest mosques, both of which were recognized by the Department of Justice with rare national awards.

National Security

- Participated in Senate oversight of the nation's implementation of post-9/11 security measures as counsel for then chairman Patrick Leahy of the Senate Judiciary Committee, helping to balance privacy and security measures.
- Oversaw the investigation and prosecution of numerous cases involving providing material support for foreign terrorist organizations, including al-Qaeda in the Arabian Peninsula, Hezbollah and ISIL.

- Oversaw the prosecution of self-proclaimed anarchists who attempted to blow up a Cleveland-area bridge during rush hour.

Recognitions and Memberships

Recognitions

- *The Best Lawyers in America*® (2019)
 - Ohio: Criminal Defense: White-Collar
- The Legal 500 United States (2017 to 2018)
 - Recommended in Dispute Resolution - Corporate Investigations and White-Collar Criminal Defense
 - Recommended in Corporate Governance
- Northeast Ohio Chapter of the American Constitution Society: Congresswoman Stephanie Tubbs Jones Award for Public Service (2016)
- Department of Justice Civil Rights Division Special Service Award in recognition of exceptional work as chair of the AGAC Civil Rights Subcommittee
- William D. Neumann Prosecutor of the Year, International Association of Financial Crimes Investigators (1998)
- Multiple Letters of Commendation from United States attorneys general, FBI directors, inspectors general and others
- Exemplar Award, Recovery Resources, for organizing and leading the Heroin and Opioid Task Force aimed at a multidisciplinary approach to the opioid epidemic (2015)
- Community Partner of the Year, Cuyahoga County Alcohol, Drug Addiction and Mental Health Services (2014)
- Cleveland Metropolitan Bar Association's Pace Setter Diversity and Inclusion Award, for community outreach and hiring as United States attorney (2012)

Memberships

- National Association of Former United States Attorneys

News

- 8/15/2018
193 BakerHostetler Attorneys Named in 2019 Best Lawyers List; 10 Recognized "Lawyer of the Year"

Press Releases

- 6/5/2018
BakerHostetler Boosts High Marks in the Legal 500 2018 Annual Guide

Alerts

- 4/2/2019
2018 Year-End Cross-Border Government Investigations and Regulatory Enforcement Review
- 1/24/2019
The House Always Wins: The DOJ Reverses Itself On The Wire Act
- 3/7/2018
2017 Year-End Securities Litigation and Enforcement Highlights

Community

- Legal Aid Society of Cleveland: Board of Directors
- Democratic Nominee for Ohio Attorney General (2018)
- Democratic National Convention
 - Platform Committee (2016)
 - Credentials Committee (2008)
- Montefiore Nursing Home, Beachwood, Ohio (2008 to 2009)
 - Board of Directors and Chair of Government Relations Committee

- Anti-Defamation League: Board of Directors for the Allegheny Region (2006 to 2008)
- Cleveland Marshall College of Law: Board of Visitors (2012 to 2015)

Services

- White Collar, Investigations and Securities Enforcement and Litigation
- Commercial Litigation
- Foreign Corrupt Practices Act (FCPA)

Industries

- Healthcare Industry
- Financial Services Industry

Prior Positions

- United States Attorney for the Northern District of Ohio (2009 to 2016)
 - Attorney General's Advisory Committee (2010 to 2012 and 2015 to 2016)
 - Chairman, Civil Rights Subcommittee (2009 to 2016)
- Baker & Hostetler LLP: Partner (2006 to 2009)
- Ohio Ethics Commission: Commissioner (2008 to 2009)
- Assistant U.S. Attorney, Cleveland, Organized Crime and Corruption Task Force (2003 to 2006)
- United States Senate Committee on the Judiciary: Detailed as Counsel to Chairman Patrick Leahy (2001 to 2003)
- Assistant United States Attorney and Deputy Chief, Southern Division, District of Maryland (1997 to 2001)
- Civil Rights Division, Criminal Section: Trial Attorney and Acting Deputy Chief (1992 to 1997)
- Hon. Stanley Sporkin, United States District Court for the District of Columbia, Law Clerk (1991 to 1992)

Admissions

- U.S. Court of Appeals, Fourth Circuit
- U.S. Court of Appeals, Sixth Circuit
- U.S. District Court, Northern District of Ohio
- Ohio
- District of Columbia

Education

- J.D., Harvard Law School, 1991, *magna cum laude*
- A.B., Dartmouth College, 1988, *summa cum laude*, Phi Beta Kappa

Eva Divok, Paralegal
BAKER HOSTETLER

Aug 2002 – Present Baker Hostetler, Costa Mesa, CA
Paralegal

Jan 2000 – Jul 2002 Daehnke & Cruz, Irvine, CA
Paralegal

- Juris Doctor Degree, University of Komenius, Bratislava, Slovakia (Apr 1990)
- Legal Assistantship Certificate Program, University of California, Irvine (Apr 1992)
- Notary Public

BakerHostetler

Thomas A. Donaho

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Overview

Tom Donaho focuses his practice on complex commercial and business litigation. He has experience representing clients in a wide range of contract matters, business torts and real estate disputes. Tom also has specific experience advising and assisting clients in the energy industry with respect to risk management through oil field service agreements and on issues concerning the Texas Oilfield Anti-Indemnity Act.

Experience

- Represented an oil field services company in a contract dispute concerning indemnity obligations specified in an equipment supplier agreement.
- Assisted an operator in revising terms of a master service agreement to more effectively manage risk.
- Assisted a client in revising an oil field services contract to ensure compliance with the Texas Oilfield Anti-Indemnity Act.
- Assisted a heavy equipment manufacturer in defending against strict liability and negligence claims.
- Assisted an oil field services company with a personal injury suit in which the plaintiff suffered life-threatening injuries.
- Assisted an oil field services company in defending against several product liability actions brought by individual litigants alleging personal injury.
- Represented an oil field services company in commercial litigation concerning alleged equipment failure and damages resulting therefrom.
- Represented an exploration and production company in arbitrations involving damage to offshore platforms.
- Represented an equipment manufacturer in collecting unpaid and/or overdue bills owed.
- Represented a commercial equipment manufacturer in a dispute concerning alleged equipment failure and economic loss resulting therefrom.
- Counseled an oil and gas client in connection with Chapter 11 bankruptcy proceedings. Representation included an investigation concerning preference actions, secured claims and adversary proceedings.
- Has represented operators and contractors with respect to contract risk management, well blowouts, onshore and offshore drilling, drafting of commercial oil field service agreements, joint operating agreements, catastrophic personal injury, exploration, completion, insurance disputes, and bankruptcy.

News

- 12/10/2012
Madoff Recovery Initiative Marks Fourth Anniversary ... Moves into Fifth Year Still Building Recovery Momentum
- 1/5/2012
The Wall Street Journal showcases BakerHostetler and the "unprecedented magnitude" of the global recovery efforts in article "The Madoff Liquidation, Three Years Later"
- 10/4/2011
Press Release: Initial Interim Distribution of Recovered Funds to Madoff Claims Holders

Articles

- 7/9/2019
New Handbook a Practical Guide to Oilfield Indemnity Issues

Community

- World Affairs Council
- Spring Valley Civic Activities Board
- Buffalo Bayou Partnership

Pro Bono

- Estate planning
- Ad Valorem Tax Disputes

Services

- Commercial Litigation
- Product Liability and Toxic Tort

Industries

- Energy Industry

Prior Positions

- Harris County District Attorney's Office: Intern (2010)

Admissions

- U.S. District Court, Northern District of Texas, 2013
- U.S. District Court, Southern District of Texas, 2012
- Texas

Education

- J.D., The University of Texas School of Law, 2011; Editorial Board, *The Review of Litigation*
- A.B., Political Science, Duke University, 2008

Dustin M. Dow

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Services

- Class Action Defense
- Employment Litigation
- Employment Class Actions

Prior Positions

- Massachusetts Attorney General's Office: Administrative Law Division Extern
- *Cincinnati Enquirer*: Sports Reporter

Admissions

- U.S. Supreme Court
- U.S. Court of Appeals, Fourth Circuit
- U.S. Court of Appeals, Sixth Circuit
- U.S. District Court, District of Colorado
- U.S. District Court, Southern District of Ohio
- U.S. District Court, Northern District of Ohio
- U.S. District Court, District of Maryland
- Ohio

Education

- J.D., Boston College Law School, 2012; *summa cum laude*; Executive Articles Editor, *Boston College Law Review*
- B.S., Kent State University, 2002

Dustin Dow focuses his practice on nationwide class actions, employment representation and insurance coverage. With comprehensive litigation experience, Dustin manages clients' needs throughout the litigation process, from pre-discovery to appeals. On insurance matters, Dustin counsels both policyholders and insurance carriers, providing practical insight to guide resolution of cutting edge, complex coverage disputes. Drawing on his background as a journalist, Dustin aggressively uncovers the facts of the matters facing his clients and provides timely, clear answers and recommendations to help them effectively achieve their goals. As the editor of the firm's annual class action review, Dustin is continually abreast of the most recent and relevant trends affecting companies dealing with potential class action liability.

An advocate for arts in education, Dustin is the Board Chairperson of the Center for Arts-Inspired Learning, and is a member of the City Club of Cleveland.

Experience

- Regularly handles wage and hour collective actions arising under the Fair Labor Standards Act. In a recent case against leading janitorial company, successfully opposed conditional certification, leading to favorable early resolution of the lawsuit before a class was certified.
- Represented and provided coverage analysis to a mutual insurance company with respect to various claims made by policyholders sued for alleged violations of the Telephone Consumer Protection Act.
- Represented company facing class-action ERISA denial of benefits claims, achieving Rule 12 dismissal based on aggressive defensive approach.
- Represented and defended a company responsible for the placement and operation of red light traffic cameras in various class action litigations and appeals challenging the use of the cameras. Class action lawsuits were filed in Cleveland, Chicago, New York and Florida.
- Represented a leading manufacturer of parts for the aerospace industry and an executive employee against a suit for permanent injunctive relief under the theory of inevitable disclosure of trade secrets, resulting in a favorable judgment on the merits and denial of injunctive relief.
- Handles representation of railroad industry employers in Railway Labor

Act and Federal Railroad Safety Act lawsuits and appeals.

Reported Decisions

- *Campbell-Ewald Company v. Gomez*, 136 S. Ct. 663 (Jan. 20, 2016), (Amicus Brief concerning use of offer of judgment in Telephone Consumer Protection Act case).
- *Tyson Foods, Inc. v. Bouaphakeo*, 136 S. Ct. 1036, 2016 WL 1092414 (March 22, 2016), (Amicus Brief dealing with use of statistics for determining liability and damages and inclusion of uninjured class members in a class action under Rule 23 or a collective action under the Fair Labor Standards Act).
- *Standard Fire v. Knowles*, 133 S. Ct. 1345, (2013) (Amicus Brief in Class Action Fairness Act case).

Recognition

- Ohio Super Lawyers “Rising Star” (2018 to 2019)

Community

- Center for Arts-Inspired Learning: Chairperson, Board of Directors
- The City Club of Cleveland

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Overview

Cecily Dumas represents clients across diverse industries in all facets of financial distress, notably debt restructuring, mergers and acquisitions, and chapter 11 cases. Her significant background with business insolvency has led to favorable results for debtors, creditors' committees, chapter 11 trustees, secured and unsecured creditors, lessors and assets acquirers. Creative and collaborative, Cecily's strengths as a bankruptcy attorney have led to a solid reputation with leaders in technology, healthcare, biopharmaceuticals, real estate, energy and other fields.

Cecily is frequently asked to speak on panels and at corporate events, sharing her knowledge of the complex processes and procedures of bankruptcy cases.

Experience

- Counsel to a Silicon Valley company that designs and manufactures computer data storage products, in its chapter 11 reorganization and acquisition, through which pre-petition debt was converted to sole equity ownership while preserving \$390 million of net operating loss carryforwards. Transaction honored as "Top Midmarket Turnaround" in Global M&A Network's 10th Annual Turnaround Atlas Awards.
- Restructuring counsel to a nonprofit healthcare system in the divestiture and recapitalization of its \$700 million Catholic hospital network.
- Advised agricultural landowner/commercial developer in complex restructuring involving \$25 million mezzanine financing, and refinancing and restructuring of \$50 million secured loans covering 14,000 acres of farm and grazing land, as well as business park in Central California.
- Counsel to the chapter 11 trustee in the bankruptcy cases of mortgage loan originator and blind pool fund involving \$180 million Ponzi scheme-related claims.
- Counsel to the debtor in the chapter 11 cases of *Mortgage Fund '08*, *Laboratory Skin Care*, *Wilkes Bashford Company* and *Ring Enterprises*.
- Represented more than 175 former partners in the bankruptcies of three major law firms with respect to claims by trustees for recovery of partner distributions and unfinished business claims.
- Ongoing representations of several Fortune 500 Silicon Valley companies regarding customer credit and bankruptcy matters. Possess experience in treatment of technology equipment leases and licenses in bankruptcy.

Recognitions and Memberships

Recognitions

- American College of Bankruptcy, Class XXI: Fellow
- Chambers USA: Bankruptcy/Restructuring in California (2017 to 2019)
 - Band 4 (2017 to 2019)
- *The Best Lawyers in America*® (2017 to 2019)
 - California: Bankruptcy and Creditor Debtor Rights /Insolvency and Reorganization Law
- *Northern California Super Lawyers*
 - Bankruptcy and Debtor/Creditor (2007 to 2018)
 - Top 50 Women Lawyers in Northern California (2012 to 2013)

- *Daily Journal*, Top Woman Lawyer (2019)

Memberships

- American College of Bankruptcy: Ninth Circuit District Council
- American Bar Association, Business Law Section
- American Bankruptcy Institute
- Bay Area Bankruptcy Forum: Board Member (2014 to 2016)
- Bar Association of San Francisco
 - Commercial Law & Bankruptcy Section: Chair (2002)
- Northern District of California: Ninth Circuit Lawyer Representative (2009 to 2012)

News

- 5/10/2019
Cecily Dumas Named a "Top Woman Lawyer" in California

Press Releases

- 4/29/2019
Chambers and Partners USA Honors 127 Attorneys and 43 Practice Areas in 2019 Guide
- 4/17/2019
BakerHostetler Enhances West Coast Presence With Addition of 3 Partners

Community

- San Francisco Youth Soccer: Board of Directors

Services

- Bankruptcy, Restructuring and Creditors' Rights
- Mergers and Acquisitions

Industries

- Energy Industry
- Healthcare Industry

Admissions

- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California
- U.S. Court of Appeals, Ninth Circuit
- California

Education

- J.D., Golden Gate University School of Law
- A.B., University of California, Berkeley

BakerHostetler

Joseph M. Esmont

Counsel

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Overview

Joe Esmont is a veteran commercial attorney. He litigates complex commercial and financial disputes, restructures troubled companies, protects clients from distressed business partners, advises clients acquiring distressed assets, and drafts commercial agreements. Joe is particularly experienced in distressed oil and gas assets, troubled financial institutions, and investigating complex fraud schemes.

Experience

- Represented a publicly traded, bankrupt offshore exploration and production company with more than \$200 million in assets in obtaining post-bankruptcy financing, developing a plan to decommission its assets and divesting unproductive properties to recover environmental bond collateral.
- Lead associate in a bankruptcy trustee's investigation of a \$200+ million Ponzi scheme spanning dozens of entities and millions of documents.
- Has represented both buyers and sellers of oil and gas leases and related assets in sales under Section 363 of the Bankruptcy Code, including representing the buyer of two fields containing approximately 50 producing wells from a bankrupt independent energy company and the bankrupt seller of both operating and working interests in seven offshore platforms and related leases.
- Represented a buyer of oil and gas leases in seven-figure litigation relating to pre-closing an oil spill. Successfully negotiated agreements that reduced the client's exposure by 70 percent.
- Represented a defendant as second-chair counsel in a \$50+ million fraudulent transfer suit that was successfully dismissed.
- Represented the bankruptcy trustee of an investment management firm accused of running an options cherry-picking scheme in the wind-down of its hedge funds and negotiations with the Securities and Exchange Commission.
- Represented the successor management of a private equity fund in investigating a \$9 million fraud by the predecessor management.
- Successfully advised an investment fund in resisting a threatened capital call by a failing real estate fund.
- Represents the Federal Deposit Insurance Corp. in litigation arising from the failure of two substantial Midwestern bank holding companies and their subsidiary banks.
- Represented Irving H. Picard, the Securities Investor Protection Act Trustee for the liquidation of Bernard L. Madoff Investment Securities LLC, in connection with BakerHostetler's role as court-appointed counsel to the Trustee.
- Represented the plaintiff in successful fraudulent transfer litigation against filmmaker National Lampoon.
- Represented the plaintiff in a commercial dispute against a Wall Street hedge fund that settled for \$35 million.
- Represented a bankruptcy trustee in the auction of a multimillion-dollar classic car collection and a \$600,000 art collection.
- Represented a bankruptcy trustee in negotiations with landlords and utilities.

Recognitions and Memberships

Recognitions

- National Conference of Bankruptcy Judges: Next Generation (2017)

Memberships

- American Bar Association
- Cleveland Metropolitan Bar Association
 - Association for Corporate Growth
 - Young ACG Mentorship Committee
 - Turnaround Management Association
 - TMA NextGen, Cleveland Chapter: Chairman

News

- 1/17/2019
Liz Green, Team Earn "Deal of Year" Honors for Alliance Medical Holdings Sale
- 1/10/2018
Joe Esmont Participates in Competitive Bankruptcy Sale Presentation

Articles

- 11/1/2009
Cleveland Metropolitan Bar Journal: Dealing With Consumer-Generated Content on Social Networking Sites

Community

- Cleveland Metropolitan Bar Association 3Rs Program
- Turnaround Management Association (TMA) Financial Literacy Course

Services

- Bankruptcy, Restructuring and Creditors' Rights
- Environmental

Industries

- Financial Services Industry
- Energy Industry

Admissions

- U.S. District Court, Northern District of Ohio, 2009
- U.S. Bankruptcy Court, Northern District of Ohio, 2009
- U.S. District Court, Southern District of Ohio
- Ohio

Education

- J.D., University of Virginia School of Law, 2008
- B.A., Political Science, History, Towson University, 2005, *summa cum laude*

Danyll W. Foix

Partner

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Services

- Class Action Defense
- Antitrust and Competition
- Commercial Litigation
- Noncompete and Trade Secrets

Admissions

- U.S. District Court, District of Minnesota
- U.S. District Court, District of Columbia
- U.S. Court of Appeals, Second Circuit
- U.S. Court of Appeals, Sixth Circuit
- Minnesota
- District of Columbia

Education

- J.D., University of Minnesota Law School, 1998, *Journal of Law & Inequality*, Managing Editor (1997-98) and Staff Editor (1996-97)
- B.A., University of Minnesota, 1995

Dan Foix advises clients on a range of antitrust issues and represents clients in commercial disputes, with a particular focus on antitrust litigation, class actions, and investigations. He routinely counsels clients on matters ranging from antitrust questions that arise during day-to-day business operations to strategic marketing initiatives and pricing regimes. Dan also represents clients in commercial disputes, particularly antitrust litigation and class actions. He has provided vigorous representation of large companies defending antitrust claims brought as individual and class action cases. He also has helped clients bring antitrust claims as plaintiffs, recovering more than \$400 million in settlements for clients in recent years. In addition, Dan represents clients in merger and other investigations by antitrust enforcement authorities such as the Department of Justice and Federal Trade Commission. He has guided clients through investigations, helping reach resolutions that make business sense.

Dan is the editor of BakerHostetler's Antitrust Advocate blog for which he is a regular contributor, and he also publishes and presents on best practices and developments in the antitrust and class action sectors. His antitrust experience and client representation has been recognized by leading attorney directories, including being "recommended" for antitrust-civil litigation/class actions by *The Legal 500* (2017) and being selected as a "top rated antitrust litigation lawyer" by Super Lawyers (2017).

Experience

- Served as one of the trial counsel to a global engineering company in an indemnity case arising out of a food manufacturing plant explosion. After a four-week trial, a Nebraska jury returned a verdict of \$108.9 million in favor of the client, twice the amount of the largest verdict in the jurisdiction at that time. This result was recognized by the *National Law Journal* as a "Top 50 Verdict" of 2016 in its Elite Trial Lawyers report.*
- One of the principal attorneys representing a certified class of dairy farmers in an action alleging large dairy processors, a cooperative and others unlawfully conspired to eliminate competition for the marketing, sale and purchase of raw milk in 14 southeastern states. The litigation recovered more than \$300 million, plus non-monetary relief, for the clients and class.*
- Member of a team representing a large global manufacturing client, providing advice as well as representation during any litigation that may

arise. Has served as a key team member in state and federal court litigation involving antitrust, dealer termination, breach of contract, and fraud claims.

- One of the principal attorneys representing a certified class of dairy farmers in an action alleging an unlawful conspiracy to eliminate competition for the marketing, sale and purchase of raw milk in the Northeast in violation of sections 1 and 2 of the Sherman Act. Settlements totaling \$80 million, plus non-monetary relief, have been obtained on behalf of the clients and class.*
- Represented a food company in a hostile dispute with a rival corporation over the misappropriation of product packaging trade secrets. The three-year matter was resolved via settlement of all claims reached on the eve of trial.
- Represented a global news company in a Department of Justice investigation of a proposed merger. The client received clearance following an intensive, expedited second request for information.
- Represented a group of insurance companies and individuals in a Department of Justice investigation of alleged anticompetitive pricing practices. The investigation closed following limited discovery, with no action taken by the government.
- Represented an international oil company in an investigation of a potential price-fixing claim against a service provider. The matter was later settled.
- Represented a food and beverage company in a Federal Trade Commission investigation of a proposed acquisition. Obtained acquisition clearance.
- Represented a class of tobacco growers in price-fixing actions against tobacco dealers and cigarette manufacturers. Recovered funds for the clients in a series of settlements after extensive litigation, with a remaining defendant settling at trial.

* Does not guarantee similar results in comparable matters.

Recognition

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- The Legal 500 United States (2014, 2017 to 2019)
 - Recommended in Antitrust - Civil Litigation/Class Actions: Defense
- Washington, D.C. "Super Lawyer" (2014 to 2017, 2019)
- *National Law Journal* "Elite Trial Lawyer" Report: Top 50 Verdict (2016)

Memberships

- American Bar Association
 - Section of Antitrust Law

- Section of Litigation

BakerHostetler

Elizabeth Price Foley

Of Counsel

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Overview

Elizabeth Foley provides a rare blend of the practical and theoretical aspects of law, serving simultaneously as of counsel with the firm and as a full, tenured professor of law at Florida International University College of Law, where she teaches constitutional law, healthcare law, food and drug law, and civil procedure. Elizabeth brings to her practice extensive experience with the Legislative and Executive branches, having served on Capitol Hill as a health policy adviser, a lobbyist for a large managed care organization and an expert witness before Congress on important issues of constitutional and healthcare law.

Elizabeth is the author of three books on constitutional law, published by Yale, Harvard and Cambridge university presses, and is a frequent op-ed writer and media commentator on issues of constitutional and healthcare law, with her opinions appearing in such publications as the *Wall Street Journal*, *Washington Post*, *New York Times*, *Los Angeles Times*, *Washington Times*, *Politico*, *Weekly Standard*, *Daily Caller*, *New York Post* and *National Law Journal*.

Experience

Constitutional

- Devised a legal challenge on behalf of the U.S. House of Representatives regarding the constitutionality of executive alterations of the Affordable Care Act.
- Has advised clients on due process limitations when attempting to exercise general personal jurisdiction over a foreign bank.
- Represented states in a separation of powers-based (federalism) challenge to the Clean Power Plan.
- Has represented businesses in federal and state constitutional economic liberty challenges to burdensome local and state regulations.
- Has filed *amicus curiae* briefs in numerous high-profile Supreme Court constitutional cases involving separation of powers, due process, equal protection and First Amendment rights.
- Advised an indicted political officeholder on First Amendment retaliation, equal protection and substantive due process claims (deprivation of reputational and occupational liberty), and related immunity defenses.
- Has advised members of Congress on institutional standing to sue.
- Assessed the viability of substantive due process and equal protection interests asserted by a state judicial officeholder.

Food and Drug

- Represented a pharmaceutical company in presenting the Food and Drug Administration Citizen Petition raising complex "sameness" arguments and challenging a generic drug's bioequivalency.
- Served a key staff role in drafting and implementing the Medicaid prescription drug rebate program (the Omnibus Budget Reconciliation Act of 1990).
- Extensively investigated cosmetic safety on behalf of the House Subcommittee on Oversight and Investigation (1990 to 1991).

Healthcare

- Conducted a nationwide undercover congressional investigation into abuses in the sale of long-term care insurance on behalf of the House Subcommittee on Oversight and Investigation and the Select Committee on Aging.
- Played a key staff role in drafting and implementing the 1990 Medicare supplement insurance (Medigap) reform legislation.
- Extensively involved in drafting and implementing 1990 and 1991 amendments to the National Practitioner Data Bank on healthcare practitioners and related peer review immunity provisions of the Health Care Quality Improvement Act.

Recognitions and Memberships

Recognitions

- National University of Ireland School of Law: Fulbright Scholar (2011)

Memberships

- American Bar Association
- American Health Lawyers Association
- U.S. Commission on Civil Rights, Florida State Advisory Committee
- James Madison Institute: Research Advisory Council
- Cato Institute, *Supreme Court Review*: Editorial Board
- Florida International University: Institutional Review Board (IRB) (2008 to 2015)
- National Academy of Sciences: Committee on Embryonic Stem Cell Research Guidelines (2004 to 2006)

News

- 2/26/2014
Elizabeth Price Foley Testifies Before the House Judiciary Committee on "Enforcing the President's Constitutional Duty to Faithfully Execute the Laws"
- 3/23/2012
Elizabeth Price Foley's Obamacare Amicus Brief Praised in *Washington Post* Article

Articles

- 11/24/2014
The Wall Street Journal Article Authored by Rivkin and Foley Discusses Obama's Immigration Policy
- 7/30/2014
The Wall Street Journal Publishes "The Case for Suing the President" by Rivkin and Foley
- 7/25/2014
David Rivkin and Elizabeth Foley Co-Author Article Opposing Supreme Court Decision to Uphold Affordable Care Act Provision
- 6/26/2014
Elizabeth Price Foley Publishes "A Supreme Smackdown of the President"
- 1/29/2014
Elizabeth Price Foley Authors Article on President Obama Ignoring the Execution of Laws
- 1/15/2014
Rivkin and Foley Author Article on President Obama Working Around Congress

Pro Bono

- Represented a small business owner in a successful First Amendment defense to criminal misdemeanor charges triggered by flying an American flag outside his place of business.

- Represented college students in a successful civil settlement and defense of criminal charges based on violation of the Fourth Amendment by police who demanded identification in the absence of reasonable suspicion of criminal activity.
- Represented a street vendor in a constitutional economic liberty challenge to local ordinances limiting such vending.

Services

- FDA, Products Promotion, and Defense
- Appellate and Major Motions

Industries

- Healthcare Industry
- Life Sciences

Prior Positions

- Institute for Justice, Florida Chapter: Executive Director (2011 to 2012)
- Michigan State University College of Law:
 - Tenured Professor of Law (2000 to 2002)
 - Untenured Associate Professor of Law (1996 to 2000)
- Michigan State University College of Human Medicine: Adjunct Professor (1998 to 2002)
- Law Clerk for the The Honorable Carolyn Dineen King, U.S. Court of Appeals for the Fifth Circuit (1994 to 1995)
- U.S. Congressman Ron Wyden: Senior Legislative Aide for Health Policy (1989 to 1991)
- U.S. Congressman Michael A. Andrews: Health Policy Legislative Aide (1987 to 1988)

Admissions

- District of Columbia, 2016
- Florida, 2011
- Texas, 1994

Education

- LL.M., Harvard Law School, 1996
- J.D., University of Tennessee College of Law, 1994, with highest honors (Valedictorian)
- B.A., Emory University, 1987

BakerHostetler

Elliot P. Forhan

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Overview

Elliot Forhan focuses his practice on business and finance areas, and he has advised public and privately held clients on a range of general corporate matters. In his finance practice, Elliot has represented borrowers and lenders in a variety of sophisticated financing transactions, many in the acquisition context. In developing his emerging practice, Elliot places emphasis on finding creative and efficient solutions to the demands that businesses face, both day-to-day and significant.

Experience

Debt Finance

- Lead associate in the representation of a publicly traded medical-device manufacturer in connection with obtaining new credit facilities related to the \$24-billion acquisition of a publicly traded medical-technology developer.
- Lead associate in the representation of a group of banks in connection with arranging a new term loan for a publicly traded long-haul internet provider under the company's existing senior secured credit facility related to its \$5.7-billion acquisition of an enterprise-telecommunications company.
- Lead associate in the representation of an affiliate of a professional golf-tour organizer in connection with amending its existing credit facility related to the acquisition of a marketing-technology and service provider.
- Lead associate in the representation of a bedside-diagnostic-service provider in connection with obtaining a new credit facility and various workout-advisory tasks, including making an equity investment to cure a default under a credit agreement.
- Assisted in the representation of an emergency-notification-systems provider in connection with obtaining a new credit facility related to the acquisition of an enterprise-notification provider.
- Lead associate in the representation of a multinational bank, as joint lead arranger and administrative agent, in connection with:
 - arranging a new \$1-billion credit facility for a postal-services company;
 - arranging a new \$1-billion credit facility as part of a refinancing for a media company;
 - arranging a new \$1-billion credit facility for a consumer-electronics company;
 - arranging a new \$1-billion credit facility for an agricultural company and amending its existing credit facilities, and
 - the preparation and filing of all mortgages and other real-property security interests in connection with the \$1.75-billion senior secured term-loan facilities of an automobile manufacturer.
- Lead associate in the representation of multiple publicly traded portfolio funds of an investment company in connection with obtaining new secured credit facilities.
- Assisted in the representation of a publicly traded biopharmaceutical company in connection with obtaining lease financing related to the \$720-million acquisition of a corporate headquarters campus.

Securities Offerings and Mergers & Acquisitions

- Assisted in the representation of a beer producer in connection with its \$20.1-billion acquisition by another beer producer.
- Assisted in the representation of a hotel chain in connection with its \$12.2-billion merger with another hotel chain.

- Lead associate in the representation of the underwriters in connection with a €600-million registered offering of notes of a publishing company.
- Lead associate in the representation of the underwriters in connection with a registered offering of common stock of a containership-management company.
- Assisted in the representation of a chemicals manufacturer in connection with a \$500-million unregistered offering of senior notes pursuant to Rule 144A and Regulation S and a concurrent cash tender offer for an outstanding series of its senior notes.

Services

- Debt Finance

Industries

- Financial Services Industry

Prior Positions

- U.S. Department of the Treasury, Office of Financial Stability: Legal Intern (2011)

Admissions

- New York
- [Not admitted in Ohio]

Education

- J.D., Yale Law School, 2013; *Yale Journal on Regulation*, Editor; Yale Law & Business Society
- B.A., Kenyon College, 2008, *summa cum laude*

Languages

- French
- Spanish

BakerHostetler

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Overview

Lars Fuller is a commercial attorney with particular experience in bankruptcy and distressed circumstances. He focuses his practice on transactions, restructurings and litigation related to troubled company situations. Lars draws from a depth of knowledge to design unique solutions to complicated problems, ensuring long-term success for his clients.

Experience

- Represents Irving H. Picard, Trustee for the SIPA liquidation of Bernard L. Madoff Investment Securities LLC, in connection with BakerHostetler's role as counsel.
- Represented privately held entity with excess of \$30 million in debt resolution and windup outside of bankruptcy.
- Represented oil and gas developer in recovery of more than \$1 million from executory contract in chapter 11 bankruptcy pending in the Northern District of Texas.
- Represented landlord in recovery of post-petition rents in chapter 11 bankruptcy of national retailer penning in Delaware.
- Represented international preference defendant in bankruptcy litigation defending claim in excess of \$900,000.
- Representing committee of unsecured creditors holding claims in excess of \$30 million in bankruptcy of title insurance agent and subsidiaries.
- Represented oil and gas supplier as creditor in chapter 11 bankruptcies involving secured and unsecured claims.
- Represented minerals producer in startup, development and litigation.
- Represented chair of unsecured creditors committee in chapter 11 bankruptcy of debtor with debts in excess of \$20 million.
- Represented secured creditor holding \$8 million claim in condominium complex owned by chapter 11 debtor. Evaluated and advised creditor on cash collateral issues, relief from stay, disclosure statement and plan issues.
- Represented bank holding \$16 million claim secured by real estate and cattle held by individual and entities and located in multiple states.
- Coordinated Article 9 foreclosure and advisement of bank following involuntary bankruptcy filed against debtor.
- Represented commercial debtor with debts in excess of \$3 million, in windup outside of bankruptcy.
- Represented aircraft lessor holding claims in excess of \$10 million in chapter 11 bankruptcies.
- Represented reorganization of chapter 11 commercial debtor with more than \$3 million in gross annual revenues. Drafted statement of financial affairs, schedules, monthly operating reports, disclosure statement and plan.
- Represented bank holding claim in excess of \$400,000 secured by cattle and personalty. Evaluated Article 9 rights and remedies, title issues, and estate claims, and negotiated resolution with chapter 7 bankruptcy trustee.
- Represented commercial landlord of 185,000-square-foot building and \$9 million future rent claim with tenant in chapter 11, advising client of bankruptcy rights and remedies.
- Represented bankruptcy trustee of estate with claims in excess of \$30 million and assets valued between \$5 million and \$10 million, in avoidance suits.
- Represented international company in sale of assets, liquidation litigation and windup.
- Represented borrower in refinancing of \$3 million plus debt for apartment complex.
- Represented secured lender with claim in excess of \$300,000 in chapter 11 bankruptcy, evaluating disputed lien priority issues, cash collateral issues and default remedies.

Recognitions and Memberships

Memberships

- American Bankruptcy Institute (ABI Volo Project Editor)
- Colorado Bar Association
- Denver Bar Association
- Faculty of Federal Advocates

News

- 1/5/2012
The Wall Street Journal showcases BakerHostetler and the "unprecedented magnitude" of the global recovery efforts in article "The Madoff Liquidation, Three Years Later"
- 10/4/2011
Press Release: Initial Interim Distribution of Recovered Funds to Madoff Claims Holders

Alerts

- 3/27/2019
Financial Services 2018 Year-End Report
- 1/10/2019
Supreme Court Overturns "Wholly Groundless" Exception to Contractual Delegations of Arbitrability Decisions to Arbitrators

Services

- Bankruptcy, Restructuring and Creditors' Rights
- Debt Finance
- Private Equity and Venture Capital
- Commercial Litigation

Industries

- Financial Services Industry

Prior Positions

- Jessop & Company, P.C.: Associate
- Rothgerber Johnson & Lyons LLP: Associate
- Connolly, Halloran & Lofstedt, P.C.: Associate
- Law Clerk for the Honorable Patricia Clark, U.S. Bankruptcy Court for the District of Colorado
- Law Clerk for the Honorable A. Bruce Campbell, U.S. Bankruptcy Court for the District of Colorado

Admissions

- U.S. District Court, District of Colorado
- U.S. District Court, District of Nebraska
- Colorado, 1995

Education

- J.D., University of Colorado Law School, 1995
- B.A., English and Philosophy, University of Southern California, 1990

Carly R. Gage

BAKER HOSTETLER

Fall 1999 – July 2000

Roianne Houlton Frith & Associates

Legal Assistant

August 2000 – March 2011

Howrey, LLP

Litigation Support Analyst, Coordinator, Project Manager
and Sr. Project Manager

April 2011 – Current

Baker Hostetler

Litigation Support Project Manager

- Bachelor of Science in Criminal Justice, Texas State University, May 2000.

Kathryn Geisinger

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Services

- Tax Credit Finance and Economic Development Incentives
- Project Development and Finance
- Mergers and Acquisitions
- Corporate Governance

Emerging Issues

- New Markets Tax Credit

Prior Positions

- Milton A. Kramer Law Clinic Center: Certified Legal Intern

Admissions

- Ohio

Education

- J.D., Case Western Reserve University School of Law, 2015; *summa cum laude*; Order of the Coif; *Case Western Reserve Law Review*, Executive Notes Editor
- B.S., Interdisciplinary Business Management - Legal Studies, Miami University, *magna cum laude*

Kathryn Geisinger represents clients in a range of transactions and corporate matters, with a focus on project finance involving the utilization of tax credits. She assists with representing developers who seek to maximize their investments by combining traditional financing with tax credits and other government incentives. Kathryn also assists legal teams representing public and private companies in mergers and acquisitions.

Experience

- Assisted with the representation of a developer in connection with the new markets tax credit financing and construction of a \$15 million animal shelter in Pittsburgh. Managed due diligence and various closing processes.
- Assisted with the representation of a developer in connection with the financing of a hotel and office building in Pittsburgh. Managed due diligence and various closing processes.
- Assisted with the representation of a developer in connection with the new markets tax credit financing and construction of a \$16.5 million Cristo Rey high school in Cleveland. Conducted due diligence and coordinated various closing processes.
- Assisted with the representation of a developer in connection with the new markets tax credit financing and construction of an \$11 million early childhood education center in Columbus, Ohio. Conducted due diligence and coordinated various closing processes.
- Member of the legal team representing The Sisters of Charity St. Augustine Health System Inc. in connection with its sale of Providence Hospitals in Columbia, South Carolina.
- Member of the legal team advising Kaiser Permanente in connection with its acquisition of Group Health Cooperative in a merger valued at \$1.8 billion.

Memberships

- Cleveland Metropolitan Bar Association
- Ohio Women's Bar Association

BakerHostetler

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Overview

"Eric is practical, thoughtful and adept at looking to build consensus among a diverse group of parties in complex negotiations."

— Chambers USA 2018

Eric Goodman has substantial transactional and litigation experience, and has performed significant work with respect to matters involving financial institutions, the oil and gas industry, automotive suppliers, intellectual property licenses and healthcare entities. Recognized by Chambers USA, The Best Lawyers in America®, and Lexology Client Choice Awards, Eric has represented national and international companies, federal banking regulators, debtors, secured lenders, trade creditors and creditors' committees in many large and complex insolvency matters.

Eric is a contributing author to *Inside the Minds: Creditors' Rights* in Chapter 11 Cases, 2012 ed., and the second edition of *Bankruptcy Business Acquisitions*, a comprehensive guide to selling and acquiring assets in bankruptcy. Eric has also authored several articles addressing the rights of creditors under the Bankruptcy Code and the Uniform Commercial Code. His skillset also includes significant cross-border experience and a thorough understanding of bank regulatory matters.

Experience

- Lead counsel to AB Volvo, PSA Automobiles and Opel Automobile, with respect to global restructuring of Takata Corporation and its affiliates.
- Co-lead counsel to the Federal Deposit Insurance Corp. (FDIC) with respect to its \$275 million dispute with FBOP Corp., a bank holding company, in the Northern District of Illinois.
- Lead counsel to an oil and gas operator in the Chapter 11 proceedings of Norse Energy Corp. USA in the Western District of New York.
- Counsel to a midstream energy company before the United States Bankruptcy Court for the District of Minnesota.
- Counsel to Excello Engineered Systems LLC in a Chapter 11 filing of an automotive parts supplier in the Northern District of Ohio.
- Counsel to CEP Holdings LLC in confirmation of a joint plan of liquidation for an automotive parts supplier with 11 plants in the United States and Mexico in Chapter 11 proceedings in the Northern District of Ohio.
- Counsel to DTR Industries Inc. and DTR Tennessee Inc. as secured creditors and suppliers in the Chapter 11 case of Johnson Rubber Company Inc., an automotive parts supplier, in Chapter 11 proceedings in the Northern District of Ohio.
- Counsel to PNC National Bank as agent in the Chapter 11 case of Mayco Plastics Co., an automotive parts supplier, in Chapter 11 proceedings in the Eastern District of Michigan.
- Counsel to the FDIC with respect to its \$170 million dispute with AmTrust Financial Corp. and its affiliated debtors in the Northern District of Ohio.
- Lead counsel to a multiemployer pension fund in the Chapter 11 proceedings of Gorbett Enterprises of Solon Inc., a contributing employer, in the Northern District of Ohio.
- Lead counsel to American Greetings Corporation in Chapter 11 proceedings of multiple grocery store chains in the District of Delaware.

- Counsel to the FDIC with respect to its \$55 million dispute with IndyMac Bancorp Inc. in the Central District of California.
- Counsel to the Official Committee of Unsecured Creditors of Commercial Alloys Corp., an aluminum recycler, in Chapter 11 proceedings in the Northern District of Ohio.
- Lead counsel to a servicer of distressed debt in a state court receivership proceeding of a nursing home facility.

Recognitions and Memberships

Recognitions

- Chambers USA: Bankruptcy/Restructuring in Ohio (2018 to 2019)
 - Band 4 (2018 to 2019)
- *The Best Lawyers in America*® (2018 to present)
 - Ohio: Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law
- Ohio Super Lawyers "Rising Star" (2007, 2009 to 2017)
- National Conference of Bankruptcy Judges: Next Generation (Class of 2011)
- Lexology Client Choice Awards: Insolvency & Restructuring in Ohio (2019)

Memberships

- American Bankruptcy Institute
- National Association of Federal Equity Receivers
- Turnaround Management Association
- Ohio State Bar Association
- Cleveland Metropolitan Bar Association

News

- 2/14/2019
Eric Goodman Honored as 2019 Client Choice Winner for Insolvency and Restructuring
- 1/15/2019
Eric Goodman, Elyssa Kates Speakers for Webinar on Bankruptcy and IP
- 8/15/2018
193 BakerHostetler Attorneys Named in 2019 Best Lawyers List; 10 Recognized "Lawyer of the Year"
- 6/5/2018
Eric Goodman Lauds Agreements that Led to Sale of Airbag Manufacturer Takata
- 4/18/2018
William Daugherty, John English, Eric Goodman are Presenters at Annual Energy Law Institute
- 4/10/2018
Joseph Hutchinson, Eric Goodman, Erin Bolan Hines Mentioned in Law360 Coverage of Successful FDIC Settlement
- 8/15/2017
190 BakerHostetler Attorneys Named in 2018 Best Lawyers List; 18 Recognized "Lawyer of the Year"
- 12/28/2016
150 BakerHostetler Attorneys Named 2016 Super Lawyers; 91 Named Rising Stars
- 10/29/2015
160 BakerHostetler Attorneys Named 2015 Super Lawyers; 112 Named Rising Stars

Press Releases

- 4/29/2019
Chambers and Partners USA Honors 127 Attorneys and 43 Practice Areas in 2019 Guide
- 5/3/2018
Chambers and Partners USA Honors 118 Attorneys and 45 Practice Areas in 2018 Guide

Alerts

- 6/25/2018
Supreme Court Holds That a Statement About a Single Asset Can Be a Statement Respecting a Debtor's Financial Condition
- 5/31/2018
Supreme Court Resolves Circuit Split Over Application of Section 546(e) to Transactions Involving Conduits

Articles

- 8/20/2008
Pratt's Journal of Bankruptcy Law: Bankruptcy Court Holds that Postpetition Loan Participation Is Not a Form of Cover Under the Uniform Commercial Code
- 6/21/2007
Norton Journal of Bankruptcy Law and Practice: Reinstatement v. Cramdown: Do Secured Creditors Win or Lose?
- 4/1/2005
American Bankruptcy Institute Law Review: Debtors Beware: The Expanding Universe of Non-Assumable/Non-Assignable Contracts in Bankruptcy
- 4/1/2004
Emory University School of Law Bankruptcy Developments Journal: Determining the Proper Application of Section 546(c) to a Seller's Right to Reclaim When There is a Prior Secured Creditor: A Two Part Test

Community

- Cleveland Metropolitan Bar Foundation: Board of Trustees (2011 to 2017)
- CMBA 2016 William J. O'Neill Regional Bankruptcy Institute: Co-Chair
- The Littlest Heroes®: Board of Directors (2010 to 2015)

Services

- Bankruptcy, Restructuring and Creditors' Rights
- Commercial Litigation

Industries

- Financial Services Industry
- Energy Industry
- Technology in Manufacturing

Prior Positions

- Jones Day
- Law Clerk for the Honorable William T. Bodoh, Chief Judge, United States Bankruptcy Court for the Northern District of Ohio and Bankruptcy Appellate Panel of the Sixth Circuit (2003 to 2004)

Admissions

- U.S. Court of Appeals, Sixth Circuit
- U.S. District Court, Southern District of Ohio
- U.S. District Court, Northern District of Illinois
- U.S. District Court, Eastern District of Michigan
- U.S. District Court, Western District of Pennsylvania
- U.S. District Court, Northern District of Ohio
- U.S. District Court, Southern District of New York
- Ohio
- New York
- [Not admitted in California]

Education

- J.D., University of Michigan Law School, 2002; Note Editor, *University of Michigan Journal of Law Reform*
- B.A., Hope College, 2000, *summa cum laude*, Phi Beta Kappa, George F. Baker Scholar

BakerHostetler

Elizabeth A. Green

Partner

Orlando

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F +1.407.841.0168

egreen@bakerlaw.com



Overview

"Elizabeth Green is hailed as an 'encyclopedia of bankruptcy knowledge' by market sources, who describe her as 'creative and strategically minded.'"

— Chambers USA 2018

Elizabeth Green practices primarily in the areas of bankruptcy and restructuring, and has represented corporate debtors and secured creditors, unsecured creditors, committees, bondholders and trustees in bankruptcy cases of corporate and individual debtors. Elizabeth also has experience with out-of-court workouts, assignments and receiverships, and has represented numerous parties as buyers in 363 sales.

Elizabeth is the leader of the firm's national Bankruptcy, Restructuring and Creditors' Rights team and a member of the Policy Committee, our governing body. She has been inducted as a fellow in the prestigious American College of Bankruptcy, was named one of five Law 360 MVP's in Bankruptcy in 2016 and is an adjunct professor at the University of Florida, Levin College of Law, where she teaches Advanced Bankruptcy.

Experience

Energy

- Represented, as lead counsel, Black Elk Energy Offshore Operations LLC in a chapter 11 in the Southern District of Texas.
- Represented, as lead counsel, American Eagle Energy Corporation in a bankruptcy case filed in the District of Colorado.
- Counsel to Dakota Plains LLC, a midstream transportation energy company, filed in the District of Minnesota.
- Represented creditors of Goodrich Petroleum Corporation, Northstar Offshore Group LLC and Bennu Oil & Gas LLC in the Southern District of Texas.

Healthcare

- Represents, as lead debtors' counsel, Uplift LLC and Alliance Health Networks Inc., as well as 62 related debtors in the Southern District of Texas.
- Counsel to Southern Inyo Healthcare District in a Chapter 9 in the Eastern District of California.
- Served as debtor's counsel to Behavioral Support Services Inc., an outpatient care facility in Altamonte Springs, Florida.
- Served as an expert witness for Fundamental Long Term Care Holdings LLC in the Middle District of Florida.
- Served as a mediator for Campbellton-Graceville Hospital in the Northern District of Florida.
- Represents buyers in Vanguard Healthcare LLC in the Middle District of Tennessee; Preferred Inc. in the Northern District of Texas; and Sr. Care Group Inc. in the Middle District of Florida.
- Represented Bayou Shores SNF LLC as debtor's counsel in Chapter 11 case in the Middle District of Florida. Obtained a ruling finding that the Medicaid and Medicare provider agreements were not terminated, and enjoined their termination.

- Served as debtor's attorney in the successful restructuring and reorganization of Legacy Healthcare LLC's three nursing homes and its related entities in the Western District of New York.
- Advised CRO in HMO cases of In Re Universal Healthcare of Texas and Nevada.

Hospitality

- Served as lead counsel in Chapter 11 cases of Island One Resorts Inc., et al. Successfully confirmed the reorganization plan for timeshare developer debtors.
- Served as lead counsel in the Chapter 11 cases of Tempus Resorts International LTD, et al. Successfully confirmed the reorganization plan for timeshare developer debtors.
- Served as out-of-court restructuring counsel to Westgate Resorts, a timeshare developer with 39 timeshare resorts across the country.
- Handled hotel reorganizations, including Orlando Hyatt, Hotel Royal Plaza and The Resort at Lake Eve.

Real Estate

- Handled both business and residential condominium reorganization cases including Studio Parc LLC; Cornerstone Orlando LLC; and The Plaza LLC.
- Served as debtor's attorney for F.F. Station LLC d/b/a Church Street Station, a 5-acre entertainment complex in downtown Orlando, Florida.
- Represented Pringle Holdings LLC and affiliates, the second-largest developer of retirement housing in Florida.

Other Debtor Representation

- Serves as debtor's counsel in Chapter 11 case of Orange County Environmental LLC, the owner of multiple landfills and recycling facilities.
- Serves as debtor's counsel for nine related companies operating investment funds, primarily investing in real estate, energy, and website projects. Re Pelican Real Estate and In Re Smart Money Secured Investment Fund LLC, Inc.
- Served as debtor's attorney in the case of Ace Electric LLC, an aftermarket auto parts supplier located in Columbus, Kansas. There was a significant dividend paid to unsecured creditors and bondholders.
- Served as debtor's attorney for Church Mortgage and Loan Corporation Inc., a church bond company.
- Served as debtor's attorney for Clarkliff of Orlando Inc. related to its dealerships across Florida.
- Successfully represented the receiver excused from turnover in the Chapter 11 case of Big Oaks Buick Inc.
- Served as debtor's attorney in the manufacturing cases of Tube Tec Inc. (steel); Designer's Choice Cabinetry Inc. (nationwide manufacturer of cabinets); and Ideal Aluminum Products LLC (aluminum fencing manufacturer).
- Served as debtor's attorney for AP Military Group Inc., a produce broker adversely affected by an E. coli spinach outbreak.

Creditor Representation

- Served as counsel to ATLC LTD, largest unsecured creditor, in the case of In Re Eastman Kodak Company in the Southern District of New York.
- Served as Official Unsecured Creditors Committee counsel in the case of In Re Element LLC in the Middle District of Florida.
- Served as Official Unsecured Creditors Committee counsel in the bitcoin case of In Re Hashfast Inc. in the Northern District of California.

Mediations

- Served as mediator in more than 100 matters. (Resume provided upon request.)
- Served as official bankruptcy court-appointed mediator in more than 100 fraudulent transfer and D&O cases in the case of In Re E Brands LLC.

Recognitions and Memberships

Recognitions

- American College of Bankruptcy: Fellow
- Chambers USA: Bankruptcy/Restructuring in Florida (2012 to 2019)
 - Band 1 (2015 to 2019)
 - Recognized Practitioner: Nationwide Bankruptcy/Restructuring (2017 to 2018)
- Law360 Bankruptcy MVP (2016)
- *The Best Lawyers in America*® (2006 to present)
 - Florida: Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law
 - Best Lawyers® "Lawyer of the Year" (2012, 2016, 2019)
 - Florida: Litigation – Bankruptcy
 - Best Lawyers® "Lawyer of the Year" (2015, 2017, 2019)
- Florida "Super Lawyer" (2007 to 2019)
- Florida Trend "Legal Elite" (2006 to present)
- Orlando Magazine "Top Lawyers" (2006 to present)
- Martindale-Hubbell: AV Preeminent

Memberships

- United States Bankruptcy Court for the Southern District of Texas: Complex Case Committee (2018 to 2020)
- American College of Bankruptcy: 11th Circuit District Council
- Fishburne Hudgens Educational Foundation, Inc.: Board of Directors
- Central Florida Bankruptcy Bar Association
 - Board of Directors (2007 to 2014)
 - Past President
- Central Florida Bankruptcy Bar Association Annual Seminar: Chair (2009 to 2014)
- American Bankruptcy Institute Southeast: Advisory Board
- American Bankruptcy Institute Paskay Seminar: Advisory Board
- University of Florida Levin College of Law: Adjunct Professor

News

- 3/21/2019
Elizabeth Green, Jorian Rose Speakers at Southeastern Bankruptcy Law Seminar
- 2/21/2019
Elizabeth Green Speaking on Restructuring Options in Provider Healthcare
- 1/17/2019
Liz Green Leads Discussion of Health Industry Restructurings
- 1/17/2019
Liz Green, Team Earn "Deal of Year" Honors for Alliance Medical Holdings Sale
- 1/7/2019
Liz Green Speaks on Issues Facing Community and Critical-Access Hospitals
- 10/31/2018
Elizabeth Green Moderates "View from the Bench" Bankruptcy Panel in Florida
- 8/15/2018
193 BakerHostetler Attorneys Named in 2019 Best Lawyers List; 10 Recognized "Lawyer of the Year"
- 7/10/2018
Elizabeth Green Appointed to Complex Case Committee for U.S. Bankruptcy Court for the Southern District of Texas
- 2/5/2018
Elizabeth Green a Speaker at ABI Spring Meeting
- 12/14/2017
Elizabeth Green Speaking at ABI Bankruptcy Conference

- 12/14/2017
Elizabeth Green a Panelist for CLE Webinar on Healthcare Business Bankruptcies
- 8/15/2017
190 BakerHostetler Attorneys Named in 2018 Best Lawyers List; 18 Recognized "Lawyer of the Year"
- 12/28/2016
150 BakerHostetler Attorneys Named 2016 Super Lawyers; 91 Named Rising Stars
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160 BakerHostetler Attorneys Named 2015 Super Lawyers; 112 Named Rising Stars

Press Releases

- 4/29/2019
Chambers and Partners USA Honors 127 Attorneys and 43 Practice Areas in 2019 Guide
- 5/3/2018
Chambers and Partners USA Honors 118 Attorneys and 45 Practice Areas in 2018 Guide

Services

- Bankruptcy, Restructuring and Creditors' Rights

Industries

- Financial Services Industry
- Energy Industry
- Healthcare Industry

Admissions

- U.S. Court of Appeals, Eleventh Circuit, 1986
- U.S. District Court, Southern District of Texas, 2015
- U.S. District Court, Northern District of Texas, 2018
- U.S. District Court, Southern District of Florida, 2012
- U.S. District Court, Middle District of Florida, 1986
- U.S. Court of Appeals, Second Circuit, 2011
- Florida

Education

- J.D., University of Florida Levin College of Law, 1986, with honors, top 5% of class, Order of the Coif
- B.A., New College of Florida, 1984

Juanita M. Greenfield
BAKER & HOSTETLER LLP

July 2017 – Present **Baker Hostetler LLP**
Senior Paralegal - Energy Group

Mar. 2015 – Aug. 2015 **Stein Mitchell LLP**
Legal Assistant

Aug. 2015 – June 2017 **Morgan Lewis & Bockius LLP**
Senior Paralegal - Intellectual Property Litigation

Jan. 2013 – Feb. 2015 **Orrick Herrington & Sutcliffe LLP**
Senior Paralegal – Appellate Litigation

July 2008 – June 2011 **Gilbert LLP**
Case Manager – Insurance Litigation

- Bachelor of Science, Business Administration & Legal Studies, University Of Maryland, University College, Hyattsville, MD, 2002
- Masters Business Administration, Business Management, University Of Maryland, University College, Hyattsville, MD, 2006
- Master of Arts, Marketing University Of Maryland, University College, Hyattsville, MD, 2009
- Certified Diversity, Institute of Diversity and Inclusion, Professional: Pending Winter 2020
- Certificate Legal Project Management, LawVision, November 2019
- Certificate Professional Development for Legal Supervisors, Holt Learning, March 2009

BakerHostetler

Andrew M. Grossman

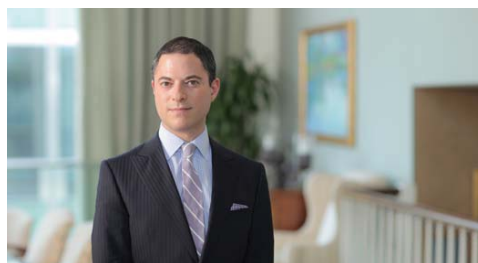
Partner

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agrossman@bakerlaw.com



Overview

Andrew Grossman is co-leader of the firm's national appellate practice. He has appeared before nearly all the federal courts of appeals, as well as some state appellate courts, litigating high-profile and complex commercial, administrative and constitutional issues. He has also received attention for his work before the United States Supreme Court, including for First Amendment cases, many prominent amicus briefs and his recent grant of certiorari in a major class-action challenge.

Andrew has developed and implemented litigation and administrative strategies for clients in several fields and industries. He regularly works with practice groups across BakerHostetler to identify and tackle complex issues, advise on administrative law and strategy, tee up issues for appeal and tackle appeals.

In addition to his practice, Andrew advises members of Congress on matters of constitutional and administrative law, having testified more than a dozen times before the House and Senate Judiciary Committees. He has been a frequent legal commentator on radio and television, having appeared on Fox News, CNN, MSNBC, CNBC, NPR and its affiliates, CBN and elsewhere. His legal commentary has also appeared in dozens of magazines and newspapers, including *The Wall Street Journal*, *USA Today*, *The Washington Post*, *The Washington Times* and many others.

Andrew is an Adjunct Scholar at the Cato Institute's Robert A. Levy Center for Constitutional Studies. He is also a member of the leadership of the Federalist Society, and previously served as a fellow and policy analyst at the Heritage Foundation's Meese Center for Legal and Judicial Studies. Additionally, he clerked for Judge Edith H. Jones on the United States Court of Appeals for the Fifth Circuit.

Experience

- Obtained a favorable outcome on the first-ever decision from the United States Court of Appeals for the Ninth Circuit recognizing the right to obtain pre-enforcement review of agencies' compliance with the Paperwork Reduction Act. The decision set a powerful precedent for regulated parties to challenge unlawful government action.
- Developed and executed a nationwide litigation strategy to recognize and enforce public workers' First Amendment associational rights in the wake of the Supreme Court's decision in *Janus v. AFSCME*.
- Represented the Center for Class Action Fairness and several objecting class members in a high-profile challenge to the use of cy pres awards in class action settlements. Obtained a rare solo opinion respecting certiorari by the Chief Justice criticizing the use of cy pres remedies and subsequently obtained a grant of certiorari from the Supreme Court in *Frank v. Gaos*.
- Developed and executed a litigation strategy to repel an unlawful investigation launched against a major D.C. policy institution in retaliation for its First Amendment-protected advocacy that resulted in abandonment of the investigation.
- Lead the litigation team that repelled efforts by the Patent and Trademark Office to cut off a prominent inventor's entitlement to issuance of patents and won judgments entitling the inventor to issuance of three significant patents.
- Represented national political party delegate in successful challenge to strike down Virginia's delegate-binding law.
- Collaborating with David Rivkin, developed and executed litigation campaign to halt unlawful campaign-finance investigation aimed at silencing political speech in Wisconsin, ultimately leading to the wholesale reform of Wisconsin campaign-finance law.
- Represents a national talk-radio host in high-profile libel suit raising novel First Amendment issues.

- Represents a major D.C. think tank and one of its fellows in their First Amendment defense to defamation claims brought by a climate activist. Established, in that litigation, right to interlocutory appeal under D.C. Anti-SLAPP Act.
- With David Rivkin, served as counsel to 28 states challenging the EPA's Clean Power Plan before the United States Supreme Court and Court of Appeals for the D.C. Circuit, winning a rare stay of regulation.

Recognitions and Memberships

Recognitions

- The Legal 500 United States (2017 to 2018)
 - Recommended in Industry Focus: Environment - Litigation
- Burton Foundation and Law Library of Congress: Burton Award for Legal Achievement (2007)
- Washington, D.C., Super Lawyers "Rising Star" (2014 to 2018)

News

- 3/29/2019
Andrew Grossman Praises Federal Court Ruling That Upholds Inventor's Suit Against PTO
- 1/10/2019
Andrew Grossman Quoted Regarding Supreme Court Petition Involving Forced Union Exclusive Representation
- 1/4/2019
Andrew Grossman Talks about Effort to Get Supreme Court to Consider Challenge to Exclusive Union Representation in Public Sector
- 12/19/2018
National Law Journal Covers Andrew Grossman's Supreme Court Challenge to Union Exclusive Representation
- 11/9/2018
Andrew Grossman Comments on Mercury Review for Coal-Fired Power Plants
- 11/5/2018
Andrew Grossman Comments on Supreme Court Battle over Virginia Uranium Mining Ban
- 9/11/2018
Andrew Grossman Comments on Future of EPA's New Carbon Emission Rule
- 8/31/2018
Andrew Grossman Comments on Potential for Change in EPA Rules Regarding Coal-Fired Power Plants
- 7/20/2018
Andrew Grossman Comments on Likelihood of Supreme Court Ruling on Regulation of Greenhouse Gas Emissions
- 6/26/2018
Andrew Grossman Comments on Court Battles over the Legitimacy of CFPB
- 5/1/2018
Grossman, Raile Author Successful U.S. Supreme Court Petition on Behalf of BakerHostetler Client
- 4/24/2018
Andrew Grossman Discusses Role of Administrative Law Judges
- 4/18/2018
Andrew Grossman Joins Panel Discussion of Municipal Climate Litigation, Fossil Fuel Industry and Municipal Bond Market
- 2/28/2018
Andrew Grossman Comments on Supreme Court Split over Mandatory Union Fees
- 12/8/2017
Andrew Grossman Comments on Amicus Brief Filed in Public Sector Union Dues Case
- 12/28/2016
150 BakerHostetler Attorneys Named 2016 Super Lawyers; 91 Named Rising Stars
- 10/29/2015
160 BakerHostetler Attorneys Named 2015 Super Lawyers; 112 Named Rising Stars

- 12/22/2014
Bloomberg's article "Madoff Victims to Get \$322 Million in Trustee Payout" acknowledges BakerHostetler attorneys at announcement of fifth distribution plans
- 5/5/2014
BakerHostetler talks with *USA Today* about the SIPA Trustee's fourth pro rata interim distribution; states Madoff Recovery Initiative nears \$6 billion in distributions to allowed claimants
- 1/13/2014
Law360 article on SCOTUS Request for DOJ Opinion on SIPA Trustee's Petition for Writ of Certiorari names BakerHostetler attorneys
- 1/7/2014
BakerHostetler's settlement with JPMorgan Chase and the ongoing Madoff Recovery Initiative Discussed on National Public Radio's *All Things Considered*
- 2/15/2013
BakerHostetler appears on NPR's *All Things Considered* to discuss Madoff Recovery Initiative; host Robert Siegel interviews SIPA Trustee Irving Picard and his Chief Counsel David Sheehan
- 2/12/2013
Madoff Recovery Initiative surpasses \$5 billion in distributions to allowed claimants; CNBC's Scott Cohn discusses latest recovery with BakerHostetler's SIPA Trustee Irving Picard and his Chief Counsel David Sheehan
- 12/10/2012
Madoff Recovery Initiative Marks Fourth Anniversary ... Moves into Fifth Year Still Building Recovery Momentum
- Andrew Grossman to Speak at National Press Club on Supreme Court Case Involving Affirmative Action

Press Releases

- 6/5/2018
BakerHostetler Boosts High Marks in the Legal 500 2018 Annual Guide

Articles

- 9/4/2018
Andrew Grossman Comments on Potential Changes to Air Rules Benefits
- 9/4/2018
David Rivkin, Andrew Grossman Author Column on Duty of Supreme Court Nominees to Refuse to Provide a Preview of Opinions
- 8/30/2018
Andrew Grossman Co-Authors Article Opposing Exclusive Union Representation
- 4/25/2018
David Rivkin, Andrew Grossman Author Commentary on Legitimacy of SEC's Administrative Law Judges
- 2/22/2018
David Rivkin, Andrew Grossman Article Argues Against Political Advocacy Funded by Mandatory Union Fees

Community

- Cato Institute: Adjunct Scholar

Pro Bono

- *Fisher v. University of Texas*
- National Black Chamber of Commerce
- *Harris v. Quinn*

Services

- Appellate and Major Motions
- Environmental
- Commercial Litigation

Prior Positions

- Judicial Clerk for Chief Judge Edith H. Jones of the United States Court of Appeals for the Fifth Circuit
- Heritage Foundation Center for Legal and Judicial Studies: Senior Legal Analyst

Admissions

- U.S. Supreme Court
- U.S. Court of Appeals, District of Columbia Circuit
- U.S. Court of Appeals, Federal Circuit
- U.S. Court of Appeals, First Circuit
- U.S. Court of Appeals, Second Circuit
- U.S. Court of Appeals, Third Circuit
- U.S. Court of Appeals, Fourth Circuit
- U.S. Court of Appeals, Fifth Circuit
- U.S. Court of Appeals, Sixth Circuit
- U.S. Court of Appeals, Seventh Circuit
- U.S. Court of Appeals, Eighth Circuit
- U.S. Court of Appeals, Ninth Circuit
- U.S. Court of Appeals, Tenth Circuit
- U.S. Tax Court
- District of Columbia

Education

- J.D., George Mason University School of Law, *magna cum laude*; Adrian S. Fischer Award for Student Research; Betty Southard Murphy award for Constitutional Law; Senior Articles Editor, *George Mason Law Review*
- M.G.A./M.P.A., University of Pennsylvania
- B.A., Dartmouth College, *cum laude*; Editor, *The Dartmouth Review*

BakerHostetler

John J. Harrington

Partner

Cleveland

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jharrington@bakerlaw.com



Overview

"John Harrington is 'very responsive and intelligent' and impresses sources with his 'fabulous pace of play.'"

— Chambers USA 2014

John Harrington represents clients in connection with capital markets and business combination transactions, and provides ongoing advice with respect to corporate and compliance matters. His transactional experience includes many registered and exempt offerings of equity and debt securities; tender offers; and public and private mergers, acquisitions, and joint ventures. In John's representation of public companies, he provides day-to-day advice on securities reporting and disclosure issues, compliance with SEC and stock exchange requirements, corporate governance, investor relations and activist matters.

John's securities and public company practice is informed by the experience and insights he gained during five years in the SEC's Division of Corporation Finance, most recently as special counsel in the Office of Capital Market Trends. In this position, he analyzed trends and developments in the capital markets, evaluated novel and complex securities and transaction structures, and implemented regulatory and policy initiatives arising from financial industry reform legislation. While on the SEC staff, John also served in the division's Office of Rulemaking, where he developed various new regulations applicable to public companies.

Experience

- Counsel to a Nasdaq-listed restaurant industry client in connection with IPO and subsequent follow-on equity offerings, with aggregate value of more than \$1 billion.
- Counsel to a NYSE-listed energy industry master limited partnership in a \$1.6 billion senior notes offering and \$300 million follow-on common unit offering.
- Counsel to a NYSE-listed insurance industry client in multiple senior notes offerings aggregating more than \$1 billion.
- Counsel to a NYSE-listed energy industry client in connection with the refinancing of more than \$1 billion of subordinated notes through a combination of tender offers and redemptions and the registered offering of new notes.
- Counsel to a NYSE-listed energy industry client in connection with privately negotiated exchange transactions of more than \$1 billion of outstanding subordinated notes for new secured notes and common shares.
- Company counsel in \$800 million "going private" management buyout of a NYSE-listed consumer products industry client.
- As part of a cross-practice business and litigation team, represented minority shareholder and director of a Nasdaq-listed insurance company in opposition to an unsolicited tender offer by majority shareholder.
- Buyer counsel in strategic acquisitions of publicly-listed aerospace industry companies with an aggregate value of approximately \$250 million.
- Represents small- and mid-cap public companies in a variety of capital markets transactions, including limited shelf registrations and takedowns and CMPOs, and stock exchange listing matters.
- Represents public companies in responding to stockholder proposals, including seeking no-action relief from the SEC under Rule 14a-8, and in addressing evolving corporate governance trends.

- Represents public companies in reviews of Regulation G compliance and non-GAAP disclosure practices in light of renewed SEC guidance and focus.

Recognitions and Memberships

Recognitions

- Chambers USA: Corporate/M&A in Ohio (2014 to 2015)
- Ohio Super Lawyers "Rising Star" (2014, 2017)

Memberships

- TheCorporateCounsel.net: Board of Advisors

News

- 11/10/2017
Suzanne Hanselman, John Harrington Speak at SEC Hot Topics Forum
- 10/12/2017
John Harrington, Carol Van Cleef Lead Webinar about Initial Coin Offerings

Alerts

- 4/12/2019
Corp Fin Issues White Paper and Related No-Action Letter Further Addressing When a Digital Asset Is a Security
- 3/27/2019
SEC Adopts Final Rules Modernizing Business and Financial Disclosure Requirements

Services

- Corporate Governance
- Securities Offerings and Compliance

Emerging Issues

- Emerging Technologies
- Blockchain Technologies and Digital Currencies

Prior Positions

- Securities and Exchange Commission, Division of Corporation Finance (2007 to 2012)
 - Office of Capital Market Trends
 - Office of Rulemaking
 - Disclosure Operations

Admissions

- Ohio, 2005

Education

- J.D., Case Western Reserve University School of Law, 2005, *summa cum laude*, Order of the Coif
- A.B., Princeton University, 1999

Ruth E. Hartman

Partner

Cleveland

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rhartman@bakerlaw.com



Services

- Commercial Litigation
- Class Action Defense

Industries

- Financial Services Industry

Admissions

- U.S. District Court, Northern District of Ohio
- U.S. Court of Appeals, Sixth Circuit
- Ohio

Education

- J.D., University of Michigan Law School, 2004
- M.A., American History, University of Michigan, 1999
- B.A., English and History, University of Wisconsin, Phi Beta Kappa

Ruth Hartman practices complex litigation, with an emphasis on business litigation, sales disputes governed by the Uniform Commercial Code, trademark and licensing disputes, and bankruptcy litigation. She is an effective problem solver and an aggressive litigator, dedicated to achieving the resolutions that her clients seek through the development of creative and effective strategies.

Experience

- Served as counsel to the FDIC with respect to its \$170 million dispute with AmTrust Financial Corp. and its affiliated debtors in the Northern District of Ohio.
- Involved with numerous adversary proceedings to recover fraudulent transfers from feeder fund defendants for the fund of customer property in connection with BakerHostetler's role as court-appointed counsel to the Securities Investor Protection Act (SIPA) Trustee for the liquidation of Bernard L. Madoff Investment Securities LLC.
- Served as lead counsel in obtaining a preliminary injunction in a trademark dispute.
- Achieved a reversal of class certification before the Ohio Supreme Court regarding an improper class action definition.
- Served as lead counsel in a partnership dispute in the oil and gas industry.

Memberships

- Ohio State Bar Association
- Cleveland Metropolitan Bar Association
- Cleveland Metropolitan Bar Foundation: Board of Trustees
- Cleveland Law Library: Board of Directors

Thomas E. Hogan

Counsel

Washington, D.C.

T +1.202.861.1577 F +1.202.861.1783

thogan@bakerlaw.com



Services

- Environmental
- Commercial Litigation
- Antitrust and Competition

Prior Positions

- Law Clerk to the Honorable Ronald Lee Gilman, U.S. Court of Appeals for the Sixth Circuit

Admissions

- U.S. Court of Appeals, District of Columbia Circuit
- U.S. Court of Appeals, Second Circuit
- U.S. District Court, Southern District of New York
- U.S. District Court, Eastern District of New York
- U.S. District Court, District of Columbia
- District of Columbia
- New York

Education

- J.D., University of Michigan Law School, 2003; Managing Editor, *Michigan Law Review*; Moot Court: Best Oralist and Finalist
- A.B., Brown University, 1998

Tom Hogan represents clients in complex commercial, environmental and administrative law litigation. Tom also advocates for clients in their dealings with regulators and counsels them on proactively managing potential liabilities.

Tom has been recommended for antitrust by *The Legal 500* (2018) and rated AV Preeminent®, the highest peer review rating available, in the Martindale-Hubbell register for lawyers. He twice served on the Law360 Environmental Editorial Advisory Board, and is a co-author of *Mergers and Acquisitions in the United States: A Practical Guide for Non-U.S. Buyers* (Aspen Publishers).

Experience

Environmental Matters

- Representing a manufacturer in a mass tort lawsuit alleging exposure to hazardous substances in Indiana.
- Representing the Port of Portland concerning alleged Natural Resource Damages (NRD) under CERCLA at the Portland Harbor Superfund Site.
- Representing multiple companies in connection with a federal criminal investigation alleging violations of the Resource Conservation and Recovery Act (RCRA) and the Hazardous Materials Transportation Act (HMTA).
- Representing a recycling company in connection with the investigation and enforcement action by a state environmental agency concerning hazardous waste.
- Represented a New England farm regarding alleged violations of Section 404 of the Clean Water Act (CWA).
- Defended the first permitted U.S. utility-scale offshore wind project against litigation challenging the federal government's approval under the National Environmental Policy Act (NEPA), the Outer Continental Shelf Lands Act (OCSLA) and the National Historic Preservation Act (NHPA).
- Represented an energy services company in proactive litigation against its environmental regulator to compel the approval of the company's plan for managing onsite hazardous wastes.

- Represented a recycling association opposing a lawsuit petitioning for regulation under the Toxic Substances Control Act (TSCA).
- Defended a global defense and technology company against CERCLA claims regarding hexavalent chromium and PCB contamination at a municipal park in New York.
- Defended a steel manufacturer in defeating challenges to the issuance of its Clean Air Act permit in connection with the construction of a new steel mill.
- Represented a consumer products manufacturer in environmental insurance coverage litigation regarding groundwater contamination in California.

Commercial and Other Matters

- Served on the trial and appellate teams for a global engineering company in an indemnity case arising out of the 2009 explosion of a food manufacturing plant in Garner, North Carolina. After a four-week jury trial, the jury returned a verdict of \$108.9 million in favor of the client, double the largest verdict in Nebraska at that time. The *National Law Journal* recognized the verdict as a "Top 50 Verdict" of 2016 in its Elite Trial Lawyers report. The Nebraska Supreme Court affirmed the judgment in 2018.*
- Representing a company in litigation concerning parties' rights and obligations under a multibillion-dollar asset purchase agreement.
- Representing clients in civil antitrust litigation and investigations.
- Advises clients on Hart-Scott-Rodino (HSR) premerger notification filings required for antitrust clearance at the Federal Trade Commission and Department of Justice.
- Representing company in Administrative Procedure Act (APA) litigation with Food and Drug Administration (FDA) regarding drug compounding.
- Secured a court order for confidential discovery from the Executive Office of the White House in a defamation lawsuit.
- Litigated the issue of an insured's right to select defense counsel of its choice in a mass tort claim arising from a notorious, fatal nightclub fire.
- Represented a hospital concerning insurance coverage for more than 100 claims alleging abuse by a former staff physician.

*Prior results do not guarantee a similar outcome.

Recognition

- The Legal 500 United States (2018 to 2019)
 - Recommended in Environment Litigation (2019)
 - Recommended in Antitrust - Civil Litigation/Class Actions: Defense (2018 to 2019)
- Martindale-Hubbell: AV Preeminent
- Washington, D.C., Super Lawyers "Rising Star" (2013 to 2016)

Memberships

- Law360: Environmental Editorial Advisory Board (2015, 2016)
- American Bar Association: Environment, Energy, and Resources Section
- Bar Association of the District of Columbia
 - Environment, Energy and Natural Resources Section
 - Antitrust and Consumer Law Section

Cary P. Jones

Associate

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Prior Positions

- Office of the Ohio State Treasurer: Legal Intern (2015 to 2018)
- Canadian Embassy to the United States of America: Finance and Economic Policy Intern (2013)

Admissions

- Ohio

Education

- J.D., The Ohio State University Michael E. Moritz College of Law, 2018, *magna cum laude*; *Ohio State Law Journal*, Associate Editor; Order of the Coif
- B.A., Dalhousie University (Nova Scotia, Canada), 2013

Cary Jones' gift for finding creative solutions to solve difficult problems benefits his developing practice. Resourceful and well-rounded, he has conducted research and written memos on a number of complex topics, including FDIC coverage, tax policy and financial services regulation.

Pro Bono

- Legal Aid Society of Columbus: Bankruptcy Pro Bono Volunteer (2015 to 2016). Collected clients' financial documents to determine eligibility for the Pro Bono Referral Project.

BakerHostetler

Joshua J. Jowdy

Associate

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Overview

Josh Jowdy seeks creative approaches to achieve clients' goals at the pleading, discovery and trial stages of litigation. Focusing his practice on federal and state antitrust law, Josh defends clients against allegations of cartel activity in criminal grand jury investigations and civil class actions. Also, he assists clients in obtaining clearance for corporate mergers under the Hart-Scott-Rodino Act from the Antitrust Division of the Department of Justice and the Federal Trade Commission.

Pro Bono

- Assisted in researching, drafting and structuring arguments for an amicus brief filed in a disability rights case in the United States Supreme Court for the Paralyzed Veterans of America, the Epilepsy Foundation, the National Federation of the Blind and 10 other organizations.
- Represented low-income individuals and families in hearings and settlement negotiations during eviction proceedings in the Landlord-Tenant Branch of the Civil Division of D.C. Superior Court as a student attorney with Law Students in Court.

Services

- Antitrust and Competition

Admissions

- Virginia
- District of Columbia

Education

- J.D., Georgetown University Law Center, 2017
- A.B., Georgetown University College of Arts & Sciences, 2014, *magna cum laude*

BakerHostetler

Robert A. Julian

Partner

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Overview

Robert Julian has more than 35 years of experience resolving high stakes disputes for his clients in complex litigation involving multiple parties and claims, breach of fiduciary duty cases and related corporate investigations, with an emphasis on such cases in an insolvency setting. In the past several years, Robert has successfully defended more than \$1 billion in five cases, and supervised the recovery of more than \$500 million in plaintiffs' cases for his clients.

He has substantial experience with issues that arise in troubled company settings, including fiduciary duty and agency disputes; insider control; director, officer, and professional liability claims, and related authority issues; direct vs. derivative shareholder claim ownership disputes; treatment of insurance coverage; fraudulent and preferential conveyances; joint venture disputes; pension claim disputes; disguised loan and other property of the bankruptcy estate disputes; alter ego and equitable remedies; lender-debtor disputes; mandatory and equitable subordination claims; right to jury trial and bankruptcy jurisdiction battles; resolution of plaintiff claims in bankruptcy; withdrawal of the reference; centralization of tort claims in the bankruptcy and district courts; abstention over claims in favor of state court; and insurance receivership disputes; and bank and bank holding company failures.

Experience

- In Cayman Islands and Delaware litigation, obtained full indemnification of client's \$125 million liability and litigation costs in case filed against fund auditors and manager.
- Created the strategy and managed ten years of plaintiff's litigation for large utility/telecommunications client, leading to the only insolvent utility/telecommunications bankruptcy that turned into a solvent entity with over \$100 million of plaintiff recoveries and the defense of multiple claims. Case involved three separate plaintiff's suits against directors, officers, investment firm, law firm; defense of multiple creditor claims; resulting in asset pool that paid unsecured creditors and preferred shareholders in full, and distribution to common stockholders.
- Obtained state court judgment enforcing consultant's right to arbitrate contract dispute and Court of Appeal affirmance of judgment.
- Settled shareholder derivative claims against holding company directors, and represented directors in resolution of FDIC claims and resulting government investigation.
- Resolved corporate claims against CEO at conclusion of confidential internal investigation.
- Achieved favorable outcome while defending officer of failed property mortgage insurance company on trade secret claims.
- Defended seller of major company against claims for breach of an equity purchase agreement and alleged violation of confidentiality and anti-competition provisions of the agreement. Resolved the case on favorable terms after six months of litigation.
- Defended liquidation trustee against disputed \$23 million late unsecured claim — resolved claim after court trial and mediation. Defended trustee against second claim to \$22 million of disputed preferred stock dividends and interest, resolving claims after court hearings and mediation.
- Represented litigation trustee in derivative suit against former directors and officers of failed sub-prime lender on breach of fiduciary duty claims, recovering \$30 million for the trustee and the creditor estate.
- Successfully defended client against a claim filed for a share of a \$600 million estate and an insurance policy that defended such claims, after the probate estate was distributed and closed.

- Represented a paint trade association in a two-week trial over the constitutionality of a \$20 million annual state regulatory fee, successfully obtaining a judgment upholding the assessment as a valid regulatory fee.
- Negotiated a \$28 million settlement on behalf of client who served as a trustee of a failed company that sold all its assets without shareholder approval.
- Defended director of a failed Silicon Valley firm in a \$50 million lawsuit regarding breach of duty to creditors while in the "zone of insolvency," resulting in the California Court of Appeal's first published decision on the duties of directors in the "zone of insolvency."
- Represented beneficiary of late client's trust instruments in actions to set aside gifts to his lawyers, and for related damages. Obtained a court ruling on a punitive damages discovery motion that client's counsel "appears to have been deceptive about his actions and likely engaged in unethical behavior with respect to the disposition of client's estate, and there is a good chance that Plaintiff may prevail under her legal malpractice claim at trial." Settled both actions on eve of trial.
- Represented trustee in action against directors and officers of a failed telecom company for breach of fiduciary duty and waste on eve of bankruptcy filing, recovering \$21 million in mediation on eve of trial.
- Represented insurance holding company in Chapter 11 reorganization case involving question of whether the bankruptcy court could enjoin a judgment creditor's enforcement of a \$42 million fraud judgment against the debtor's insurance subsidiary, which could not file for bankruptcy protection under federal law. Obtained injunction protecting insurance company pending appeal of judgment.
- As lead insolvency litigation counsel, valued and structured out of court settlement matrix for resolution of asbestos claims against asbestos product manufacturer.
- Represented taxpayers in action to recover sales tax they paid on their purchases of coal, on the grounds that taxpayers' conversion of chemical energy in coal to electrical energy was a "resale" of the energy in coal, and hence not a taxable transaction under California's "resale" tax exemptions.
- Represented university in litigation over a fiduciary duty-accounting and commercial dispute involving health care premiums. Obtained full recovery for university after six-months of litigation.
- Successfully defeated creditors' breach of fiduciary claims that former bankruptcy trustee should be denied all fees for his services in the case for allegedly damaging estate for amounts exceeding \$250 million, and recovered an award of all the trustee's fees, \$4.5 million plus a \$2.5 million bonus.
- Obtained \$7.7 million recovery on behalf of estate in breach of fiduciary duty and subordination action against officers and directors.
- Obtained appellate ruling that Orange County taxpayer rights could be enforced via a class action in mandamus, and structured a settlement that permitted the 2,400-member class to qualify for \$49 million of tax refunds.
- Recovered 100 percent of university's losses from energy brokers on breach of fiduciary duty claims arising out of the university's sale of energy in the California market.
- Successfully defended trustee against \$200 million of claims for breach of fiduciary duty and recovered more than \$5 million for trustee. Additionally recovered more than \$170 million for the charitable trust. Served as court-appointed chairman of global settlement effort that resolved all litigation and closed five-year-old case.
- Successfully defended aerospace firm to judgment against \$450 million of design defect claims arising from FAA grounding of 747 cargo planes, recovering \$2.5 million for client's defense.
- Represented client in a breach of fiduciary duty case regarding adequate insurance coverage, recovering \$5.75 million on the eve of trial.
- Served as co-lead counsel for litigation trustee in a breach of fiduciary duty action against directors, officers, and audit firm in one of the nation's largest financial institution failures. Recovered \$24 million after 12 months of litigation.
- Represented a lender group on a \$72 million claim in a Chapter 11 case and as lead counsel in the defense of a lender liability action. Successfully resolved all claims in the Chapter 11 plan after several mini-trials and a four-day confirmation hearing.
- Represented insurance company in a broker liability case regarding appropriate insurance coverage. Recovered \$6.65 million after one year of litigation, one-day advisory jury trial in Orange County Superior Court, and a two-day mediation.
- As co-lead counsel, represented consulting M&A and strategic advisory firm in subordination action against the largest shareholder. After one year of litigation, involving primarily a bankruptcy jurisdiction dispute among the

district, bankruptcy and state courts, negotiated a \$19 million recovery: subordination/avoidance of a \$15 million secured claim; and \$4.25 million cash payment.

- Represented consulting M&A and strategic advisory firm in the defense of \$160 million of claims filed by securities class action plaintiffs in bankruptcy and district court. Responsible for four-year litigation strategy that resulted in complete defense of all claims, and estate's right to a \$13 million fund derived from proxy solicitation on eve of bankruptcy.
- Represented client in multi-party litigation involving the Department of Corporations and FSLIC, as successors to separate state and federal thrift associations. Key issue focused on the legality of a \$25 million loan portfolio owned by client that was arranged by the state thrift. The California Department of Corporations claimed client was liable for the alleged illegality and thereby contributed to the thrift's failure. Settled the litigation by cross-claiming against FSLIC for indemnity, and using FSLIC settlement payment to settle client's alleged liability to Department of Corporations.
- Represented insurance company in federal court action against failed savings association for money due on an obligation allegedly tainted by commercial bribery. Issues included actual and apparent authority of de facto officers of association, criminal conspiracy, commercial bribery, RICO claims, subrogation, and executory contract issues in bankruptcy. After a four-week jury trial, recovered \$7.2 million verdict on plaintiff's case and a defense verdict on the association's RICO counterclaims.
- Successfully defended insurance company to judgment (affirmed on appeal) when a splinter group of securities class plaintiffs brought mandamus action to compel the state insurance commissioner to place insurance company in receivership for its part in the failure of a large Northern California mortgage broker operation.
- Obtained district court order vacating judgment and directing new trial in state court on jurisdiction grounds and practical considerations. Case produced leading Ninth Circuit decision on core/non-core bankruptcy jurisdiction.
- In a case of chapter 11 bankruptcy, created Administrative Order No. 1 procedures to withdraw the reference of mass tort claims and centralize the claims in district court, obtaining injunction centralizing such claims.

Reported Decisions

- *Federated Indians of Graton Rancheria, v. Kenwood Investments No. 2, LLC*, 2017 WL 895800 (Court of Appeals, 1st District)
- *In the Matter of Estate of Larry Hillblom*, 2011 WL 2436603 (N. Mariana Islands)
- *Equilon Enter. v. State Bd. of Equalization*, 189 Cal.App.4th 865 (2010)
- *Berg & Berg Enterprises v. Boyle*, 178 Cal. App. 4th 1020 (2009)
- *In re Touch America Holdings, Inc., No. 03-11915*, 2009 Bankr. LEXIS 1279 (Bankr. D. Del. May 14, 2009)
- *In re Touch America Holdings, Inc., No. 09-084-SLR*, 2009 U.S. Dist. LEXIS 13745 (D. Del. February 24, 2009)
- *In re Touch America Holdings, Inc.*, 401 B.R. 107 (Bankr. D. Del. 2009)
- *In re Touch America Holdings, Inc.*, 381 B.R. 95 (Bankr. D. Del. 2008)
- *Searles Valley Minerals Operations v. State Bd. of Equalization*, 160 Cal.App.4th 514 (2008)
- *In re Touch America Holdings, Inc., No. 03-11915*, 2007 Bankr. LEXIS 4167 (Bankr. D. Del. December 17, 2007)
- *In re Southeast Banking Corp.*, 314 B.R. 244 (Bankr. S.D. Fla. 2004)
- *In re Southeast Banking Corp.*, 314 B.R. 238 (Bankr. S.D. Fla. 2004)
- *In re Southeast Banking Corp.*, 314 B.R. 250 (Bankr. S.D. Fla. 2004)
- *Bunker v. County of Orange*, 103 Cal. App. 4th 542 (2002)
- *Piombo Corp. v. Castlerock Properties (In re Castlerock Properties)*, 781 F.2d 159 (9th Cir. 1986)
- *A.H. Robins Co., Inc. v. Piccinin (In re A.H. Robins Co., Inc.)*, 788 F.2d 994 (4th Cir. 1986)
- *Gold Circle Stores v. Riviera Finance - East Bay*, 540 F. Supp. 15 (N.D. Cal. 1982)
- *Gauvin v. Wagner (In re Gauvin)*, 24 B.R. 578 (Bankr. 9th Cir. 1982)

Recognitions and Memberships

Recognitions

- *The Best Lawyers in America*® (2007 to 2019)
 - California: Bankruptcy and Creditor Debtor Rights /Insolvency and Reorganization Law
- *Southern California Super Lawyers* (2007 to 2019)

- *Corporate Counsel Edition* (2008)

Press Releases

- 4/17/2019

BakerHostetler Enhances West Coast Presence With Addition of 3 Partners

Services

- Bankruptcy, Restructuring and Creditors' Rights
- Corporate Governance
- Commercial Litigation
- White Collar, Investigations and Securities Enforcement and Litigation

Admissions

- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California
- U.S. District Court, Northern District of Texas
- U.S. Court of Appeals, Ninth Circuit
- California

Education

- J.D., University of California, Hastings College of Law, 1979
- B.A., University of San Francisco, 1976

BakerHostetler

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Overview

Elyssa Kates concentrates her practice in the areas of domestic and international corporate finance and financial restructuring. She has extensive experience in insolvency, including bankruptcy and receiverships, secured transactions and financing, multi-tranche loans, commercial litigation, financial fraud, and debtors' and creditors' rights. She represents contract counterparties, creditors, debtors, trustees, asset purchasers, transferees and landlords/lessors in bankruptcy, district and state courts. Elyssa's practice spans such industries as financial services, real estate, retail, media, shipping and logistics, public relations, hospitality and healthcare.

Before joining the firm, Elyssa represented some of the largest national and international financial institutions, insurance companies, manufacturers, landlords and real property holders in commercial, bankruptcy, creditors' rights and banking litigation and mediations, including contract issues, asset purchases, injunctions, reclamation claims, avoidance actions, actions to withdraw references, rejection claims, bond offerings, loan restructuring, banking regulations and automatic stay issues.

Experience

Specific Representations

- Currently is involved in the investigation and litigation of issues on behalf of the Trustee for the Securities Investor Protection Act liquidation of Bernard L. Madoff Investment Securities LLC.
- Represents the plan trustee of the Taylor, Bean & Whitaker Plan Trust on such issues as judgment collection, foreclosure and creditor representation in various bankruptcy cases.
- Involved in the litigation of multiple issues on behalf of Hybris (U.S.) Corp., an e-commerce technology provider.
- Represented Metavante Corp., a counterparty to an interest rate swap agreement with various Lehman Brothers debtors.
- Represented Rajon Financial Enterprises GmbH and Rafael Roth, creditors and former clients of Dewey & LeBoeuf LLP.
- Represented Kuehne + Nagel Inc., a defendant in an avoidance action brought on behalf of INYX USA Ltd.
- Represented Cordell funds, as noninstitutional secured lenders of entities related to The 1031 Tax Group debtors.
- Represented Forest Hills Hyperbaric LLC in a contract dispute.
- Represented Medicine Shoppe International, a secured creditor of R.G. Pharmacy Inc.
- Represented OTR, administrative creditor and landlord of Fedders Corp.
- Represented QTS Logistics Inc. and Quality Transportation Services of Nevada Inc., statutory secured creditors of various Fontainebleau Las Vegas debtors.
- Represented Tradesmen International Inc., a statutory creditor in connection with a public improvement project.

Overview of Experience

- Represented national and regional banks in claims involving lender liability, including issues arising under the Truth in Lending Act and the Fair Credit Reporting Act.

- Represented hard money lenders in claims involving loan documentation and securitization, including enforceability of guarantees.
- Counseled commercial financiers on matters relating to business lending including working capital and acquisition financing. Representation involved negotiating and litigating over matters concerning term loans, including balloon loans, revolving loans, letters of credit, forbearance, cross-collateralization, acceleration, foreclosure on collateral and collection.
- Counseled banks and litigated claims involving negotiable instruments and Articles 3 and 4 of the Uniform Commercial Code.
- Represented a mortgagee in connection with Alt-A and subprime loans and related bundling issues.
- Counseled a mortgage lender on issues arising from data breaches.
- Represented lenders in connection with regulatory issues, including areas of suspicious activity.
- Represented an issuer in the preparation of placement documents.
- Represented a broker-dealer in litigation stemming from a failed high-yield bond offering.

News

- 5/1/2019
Elyssa Kates Speaks on Ways to Address Financial Exploitation of Elderly, Disabled
- 4/8/2019
Elyssa Kates Joins Discussion of Legal Ethics at New York Women's Bar Association Annual Meeting
- 1/15/2019
Eric Goodman, Elyssa Kates Speakers for Webinar on Bankruptcy and IP
- 12/22/2014
Bloomberg's article "Madoff Victims to Get \$322 Million in Trustee Payout" acknowledges BakerHostetler attorneys at announcement of fifth distribution plans
- 11/18/2014
Reuters reports on further BakerHostetler success reaching settlements boosting total recovery of funds stolen by Madoff to nearly \$10.5 billion
- 11/17/2014
CNBC reports on BakerHostetler and the Madoff Recovery Initiative in article Madoff Recoveries Top \$10 Billion With New Settlement, "... an amount virtually no one thought possible"
- 11/17/2014
The Associated Press reports on BakerHostetler and the Madoff Recovery Initiative recoveries of \$10.5 billion
- 5/5/2014
BakerHostetler talks with *USA Today* about the SIPA Trustee's fourth pro rata interim distribution; states Madoff Recovery Initiative nears \$6 billion in distributions to allowed claimants
- 1/7/2014
BakerHostetler's settlement with JPMorgan Chase and the ongoing Madoff Recovery Initiative Discussed on National Public Radio's *All Things Considered*
- 2/15/2013
BakerHostetler appears on NPR's *All Things Considered* to discuss Madoff Recovery Initiative; host Robert Siegel interviews SIPA Trustee Irving Picard and his Chief Counsel David Sheehan
- 2/12/2013
Madoff Recovery Initiative surpasses \$5 billion in distributions to allowed claimants; CNBC's Scott Cohn discusses latest recovery with BakerHostetler's SIPA Trustee Irving Picard and his Chief Counsel David Sheehan
- 12/10/2012
Madoff Recovery Initiative Marks Fourth Anniversary ... Moves into Fifth Year Still Building Recovery Momentum
- 9/21/2012
BakerHostetler's work recovering more than half of the losses in the Madoff Ponzi scheme featured on WNYC in interview on *The Brian Lehrer Show*
- 9/20/2012
Press Release: Second Interim Distribution of Recovered Funds to Madoff Claim Holders

- 6/25/2012
Press Release: United States Supreme Court Denies Certiorari, Upholding Net Equity Decision in BLMIS Liquidation
- 1/5/2012
The Wall Street Journal showcases BakerHostetler and the "unprecedented magnitude" of the global recovery efforts in article "The Madoff Liquidation, Three Years Later"
- 10/4/2011
Press Release: Initial Interim Distribution of Recovered Funds to Madoff Claims Holders

Articles

- 7/31/2017
Elyssa Kates Authors Article on How Landlords Can Minimize Impact of a Tenant's Insolvency

Services

- Bankruptcy, Restructuring and Creditors' Rights
- Debt Finance
- Mergers and Acquisitions
- Commercial Litigation

Industries

- Life Sciences
- Financial Services Industry
- Software

Prior Positions

- Law Clerk for the Honorable Rosemary Gambardella, former Chief Judge of the United States Bankruptcy Court, District of New Jersey and for the Honorable Ellen L. Koblit, J.S.C., Superior Court of New Jersey, Appellate Division (formerly P.J.F.P.)

Admissions

- U.S. District Court, Eastern District of New York, 2005
- U.S. District Court, Southern District of New York, 2002
- U.S. District Court, District of New Jersey, 2000
- New York, 2001
- New Jersey, 2000

Education

- J.D., Seton Hall University School of Law, 2000
- B.A., History, Ramapo College of New Jersey, 1996, *cum laude*

BakerHostetler

Daniel M. Kavouras

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Overview

Dan Kavouras is a litigator concentrating on complex commercial disputes and class action defense. Dan has experience litigating a wide range of legal issues, including commercial contracts, UCC claims, intellectual property and trade secrets, energy and environmental issues, and First Amendment law.

In addition to his litigation practice, Dan is an active contributor to the firm's [North America Shale blog](#), offering commentary on a range of issues facing the energy industry as companies intensify their use of hydraulic fracturing and other advanced extraction techniques.

Experience

Commercial Disputes

- Represented a large healthcare system in a preliminary injunction action against a joint venture partner. Secured a preliminary injunction restoring the client's ownership and voting rights in the hospital joint venture.
- Defended a Fortune 1000 company in related state and federal shareholder derivative actions seeking to prevent a proposed going-private transaction. Obtained dismissal of one action and negotiated a settlement, allowing the transaction to proceed.

Class Actions

- Represented an insurance client in a multidistrict nationwide class action asserting antitrust and unfair competition claims. Court dismissed the claims on a Rule 12 motion.
- Defended a gasoline distributor in a putative class action alleging overpayment of a state commercial activity tax by supply customers.

Intellectual Property and Trade Secrets

- Assisted a large audio-visual equipment distributor in obtaining a preliminary injunction against a competitor for trademark and trade secret violations.
- Obtained a defense verdict in a trade secret misappropriation case for a commercial welding company.
- Drafted opposition to a United States Patent and Trademark Office (USPTO) action refusing a client's trademark registration under the Lanham Act, resulting in the removal of the USPTO's objections, allowing the client to proceed with registration.

First Amendment and Media

- On behalf of two national title insurers, challenged Cuyahoga County's interpretation of the cost provision in Ohio's Public Records Act in a mandamus action before the Ohio Supreme Court. Participated in drafting merits briefs, which resulted in a unanimous victory for the clients.
- As lead counsel for a regional newspaper, successfully argued a motion seeking access to juvenile court records.

- As part of a trial team for a local television station, obtained a directed defense verdict on libel claims after a one-week jury trial.

Energy and Environmental

- Drafted an amicus brief supporting the dismissal of a competitor's challenge to the Environment Protection Agency's (EPA's) decision to grant a client steel producer a Clean Air Act permit to operate a new production facility, and simultaneously defended a competitor's appeal of Clean Air Act permits before the Arkansas Department of Environmental Quality and an Arkansas court of appeals.
- Analyzed emissions reporting requirements under existing Ohio EPA permits for a manufacturing client and drafted disclosure forms.
- Prepared lease disclosures and drafted asbestos, mold and lead-based paint policies for employees and tenants of a large property development client with properties in Ohio and Illinois.

Recognitions and Memberships

Memberships

- American Bar Association
- Ohio State Bar Association
- Cleveland Metropolitan Bar Association
- Cleveland Intellectual Property Lawyers Association (CIPLA)

Community

- Playhouse Square Partners
- Orchard Park Elementary School: Tutor
- The Ohio State University Alumni Association
- University of Michigan Alumni Association

Services

- Commercial Litigation

Prior Positions

- Wayne County Prosecutor's Office, Special Prosecutions Unit: Law Clerk (2010)

Admissions

- U.S. District Court, Northern District of Ohio, 2012
- Ohio

Education

- J.D., University of Michigan Law School, 2012, *cum laude*; *Michigan Telecommunications and Technology Law Review*, Contributing Editor; Michigan Federal Appellate Clinic (2012); Michigan Pediatric Advocacy Initiative (2011)
- B.S., Economics, The Ohio State University, 2009, *magna cum laude*
- B.A., Political Science, The Ohio State University, 2009, *magna cum laude*

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Overview

Ferve Khan is a practiced bankruptcy litigator who has extensive experience in large-scale liquidations and restructurings, including representing the court-appointed trustee for the SIPA liquidation of Bernard L. Madoff Investment Securities, LLC. She has represented creditors in complex Chapter 11 bankruptcy cases in industries such as energy, retail and healthcare. Ferve also has significant experience prosecuting and defending against injunctions under section 105 of the Bankruptcy Code. She also has experience reviewing document productions for compliance with the Health Insurance Portability and Accountability Act of 1996 and other data protection laws.

Ferve is also a client-focused transactional attorney and has prepared numerous third-party legal opinions for commercial real estate transactions. She also regularly speaks and writes on topics related to her practice. Ferve has presented on numerous occasions at forums such as Strafford Publications and Lawline, and has also been published in outlets such as the *American Bankruptcy Institute Journal*.

Experience

- Represented the SIPA Trustee in the liquidation of Bernard L. Madoff Investment Securities LLC (BLMIS) in various avoidance and recovery actions brought by the Trustee. The work consisted of managing the Trustee's litigation, including drafting pleadings; managing discovery including e-discovery of voluminous documents in BLMIS's possession; litigating issues unique to SIPA cases such as good faith and the securities safe harbor; and engaging in mediation and settlement to resolve the Trustee's cases consensually.
- Represented a global energy, engineering and infrastructure recruitment company in a fraudulent transfer and preference action by the post-confirmation litigation trustee of the world's largest renewable-energy developer at the time of its filing. Defense services included: preparing pleadings; developing case strategy; researching novel "wrong payor" theory by trustee; preparing mediation briefing; and negotiating favorable settlement.
- Represented a SIPA Trustee in protracted, nine-year litigation and related proceedings to enjoin third-party plaintiffs seeking to bring individual actions asserting derivative and duplicative claims under Section 362 and 105 of the Bankruptcy Code. The work consisted of briefing and arguing the Trustee's position to the bankruptcy, district, and federal courts of appeal in several jurisdictions; understanding complex and emerging issues involving duplicative and derivative claims belonging to a bankruptcy trustee; and managing the Trustee's injunction-related litigation and appeals.
- Represented property-management company in multimillion-dollar, year-long transaction to "roll up" company's property holdings into a master fund. The work consisted of managing a team of several attorneys to prepare multiple legal opinions on non-consolidation, enforceability, and related matters; negotiating with lender's counsel on terms of opinions; performing research on novel issues arising under the Uniform Commercial Code, state tax law, and non-consolidation caselaw; and coordinating with local counsel on enforceability opinions under local applicable law.
- Represented former officer in multiple-year litigation by liquidating trustee asserting claims of healthcare fraud and avoidance in Chapter 11 proceeding of medical laboratory. The work consisted primarily of preparing pleadings; performing extensive document review and production; interpreting white collar, anti-kickback, physician self-referral,

and D&O insurance legal issues and applying to Chapter 11 proceeding; drafting various filings to protect client's interest in D&O insurance funds.

- Represented producer of greeting cards as a creditor in Chapter 11 case of iconic American department store and Chapter 11 case of American chain of grocery stores. Creditor services included: objecting to debtor-in-possession financing motion; researching complex issues of consignment, trust and security interests; defending against claims objection; negotiating with debtor on treatment of client's interests in case.
- Represented two oil exploration companies in proceedings to enjoin third-party actions seeking to bring duplicative and derivative claims. The work consisted of counseling the clients on rights and remedies concerning sections 105 and 362 of the Code; preparing research memorandum assessing merits of claims; and negotiating with third-party plaintiff's counsel for consensual resolutions.
- Represented a government-sector creditor in the reorganization proceeding of an automotive parts manufacturer in connection with a claim for workers' compensation reimbursement, including advising on priority tax treatment and application of letter of credit proceeds.
- Represented the creditor in the reorganization proceeding of iconic film and camera producer in connection with a contractual claim, including advising on the secured nature of the claim.
- Represented the retired partners' group in the liquidation proceeding of a global law firm, including advising on participation in a global settlement.
- Represented a receiver of Michael Kenwood Capital Management, LLC, an international investment advisor located in Stamford, Connecticut, and related offshore hedge funds, including litigating recovery actions.
- Represented former director in the Chapter 11 restructuring of the hedge fund.
- Represents creditor in the reorganization proceeding of the car rental company.

Recognitions and Memberships

Recognitions

- New York Metro Super Lawyers "Rising Star" (2014 to 2018)

Memberships

- American Bankruptcy Institute
 - Legislation Committee: Co-Chair (April 2019 to present)
 - Bankruptcy Litigation Committee: Co-Chair (April 2017 to April 2019)
 - *American Bankruptcy Institute Journal*: Coordinating Editor, Financial Statements Column (2014 to 2017)
 - ABI *Volo* Project, Circuit Court Opinion First Responder: Author (2012 to 2015)
- New York State Bar Association
 - Committee on Women in the Law: Co-Chair (2014 to 2017)
- Federal Bar Council
 - 2013 Fall Bench and Bar Retreat: Co-Chair
 - Inn of Court
 - First Decade Committee (2009 to 2016)
- Financial Women's Association (2013 to 2016)

News

- 2/20/2019
Ferve Khan a Speaker at International Business Recovery Conference
- 12/28/2016
150 BakerHostetler Attorneys Named 2016 Super Lawyers; 91 Named Rising Stars

- 10/29/2015
160 BakerHostetler Attorneys Named 2015 Super Lawyers; 112 Named Rising Stars
- 12/22/2014
Bloomberg's article "Madoff Victims to Get \$322 Million in Trustee Payout" acknowledges BakerHostetler attorneys at announcement of fifth distribution plans
- 11/18/2014
Reuters reports on further BakerHostetler success reaching settlements boosting total recovery of funds stolen by Madoff to nearly \$10.5 billion
- 11/17/2014
The Associated Press reports on BakerHostetler and the Madoff Recovery Initiative recoveries of \$10.5 billion
- 11/17/2014
CNBC reports on BakerHostetler and the Madoff Recovery Initiative in article Madoff Recoveries Top \$10 Billion With New Settlement, "... an amount virtually no one thought possible"
- 5/5/2014
BakerHostetler talks with *USA Today* about the SIPA Trustee's fourth pro rata interim distribution; states Madoff Recovery Initiative nears \$6 billion in distributions to allowed claimants
- 1/7/2014
BakerHostetler's settlement with JPMorgan Chase and the ongoing Madoff Recovery Initiative Discussed on National Public Radio's *All Things Considered*
- 2/15/2013
BakerHostetler appears on NPR's *All Things Considered* to discuss Madoff Recovery Initiative; host Robert Siegel interviews SIPA Trustee Irving Picard and his Chief Counsel David Sheehan
- 2/12/2013
Madoff Recovery Initiative surpasses \$5 billion in distributions to allowed claimants; CNBC's Scott Cohn discusses latest recovery with BakerHostetler's SIPA Trustee Irving Picard and his Chief Counsel David Sheehan
- 12/10/2012
Madoff Recovery Initiative Marks Fourth Anniversary ... Moves into Fifth Year Still Building Recovery Momentum
- 9/21/2012
BakerHostetler's work recovering more than half of the losses in the Madoff Ponzi scheme featured on WNYC in interview on *The Brian Lehrer Show*
- 9/20/2012
Press Release: Second Interim Distribution of Recovered Funds to Madoff Claim Holders
- 6/25/2012
Press Release: United States Supreme Court Denies Certiorari, Upholding Net Equity Decision in BLMIS Liquidation
- 1/5/2012
The Wall Street Journal showcases BakerHostetler and the "unprecedented magnitude" of the global recovery efforts in article "The Madoff Liquidation, Three Years Later"
- 10/4/2011
Press Release: Initial Interim Distribution of Recovered Funds to Madoff Claims Holders
- 12/17/2010
The New York Times reports on BakerHostetler's negotiation and settlement with the Picower Estate for \$5 billion in the SIPA liquidation of Bernard L. Madoff Investment Securities LLC

Articles

- 2/1/2016
Hirschfeld, Day, Ozturk and Beachdell Author Article About School District Financing

Community

- Cornell Law School Alumni Association
 - Alumni Curia Society Annual Dinner Planning Committee
- Brown Alumni Students Committee

- American Turkish Society

Pro Bono

- Provides bankruptcy petition preparation services to low-income New York residents for Legal Services NYC Bankruptcy Assistance Project.
- Participated in the IRS Volunteer Income Tax Assistance Program during law school.

Services

- Bankruptcy, Restructuring and Creditors' Rights
- Commercial Litigation
- Debt Finance

Industries

- Financial Services Industry
- Healthcare Industry
- Energy Industry

Prior Positions

- Law clerk for the Honorable Martin Glenn of the U.S. Bankruptcy Court for the Southern District of New York

Admissions

- U.S. District Court, Southern District of New York
- U.S. Court of Appeals, Second Circuit
- New York

Education

- J.D., Cornell University Law School, *Cornell International Law Journal*: articles editor, *Legal Information Institute Bulletin*: managing editor; 2008
- B.A., Political Science, Brown University, *magna cum laude*, 2005

Languages

- Turkish

Tanya Kinne

BAKER & HOSTETLER LLP

September, 2012 – present	Baker & Hostetler, LLP Bankruptcy Paralegal
January, 2003-July, 2012	Solomon, Grindle, Silverman & Wintringer Litigation/Bankruptcy Paralegal
September, 2000- December, 2002	Corn & Associates Paralegal
April, 1996-August, 2000	Houtchens, Daniel & Greenfield Paralegal

- B.A., University of Northern Colorado, 1991
- Certified E-Discovery Specialist (CEDS), Association of E-Discovery Specialists, 2017

Kody D. L. Kleber

Partner

Houston

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Services

- Commercial Litigation
- Trademark
- Copyright, Content, and Platforms

Industries

- Energy Industry

Prior Positions

- Texas-based National Law Firm: Litigation Associate (2008 to 2013)
- Law Clerk for the Honorable Federico A. Moreno, Chief Judge of the United States District Court for the Southern District of Florida (2007 to 2008)
- Judicial Intern for the Honorable Xavier Rodriguez of the United States District Court for the Western District of Texas (2005)

Admissions

- U.S. District Court, Southern District of Texas
- U.S. District Court, Eastern District of Texas
- U.S. District Court, Northern District of Texas
- Texas

Education

- J.D., The University of Texas School of Law, 2007, with honors; *The Review of Litigation*, Associate Editor
- B.A., Wake Forest University, 2003, *cum laude*

Kody Kleber is a versatile and conscientious advocate who makes his clients' needs his first priority. He represents and counsels clients in a range of complex commercial litigation matters, including oil and gas, contract, trademark, copyright, and real estate disputes. He also handles trusts and estates and personal injury defense matters. Kody has extensive experience representing his clients in many different forums, including mediation and arbitration.

Experience

Oil and Gas Litigation

- Counsels and defends a national drilling rig contractor in five wrongful death suits and a personal injury suit arising from a well blowout in Oklahoma.
- Represented, as second chair, an operator and working interest owner of an East Texas oil field in an arbitration proceeding against another working interest owner in a dispute concerning joint operations of the oil field. Settled on favorable terms during the arbitration proceeding.
- Served as second chair in the representation of a Gulf of Mexico operator in multiple arbitration proceedings, which concerned breach of contract claims arising from an oil production platform explosion.
- Counseled and defended an offshore drilling company in a federal court breach of contract action related to a deep water drilling project in the Gulf of Mexico.

Trademark and Copyright Litigation

- Served as first chair in the representation of Houston Zoo, Inc. as plaintiff in a trademark enforcement action against a for profit entity infringing upon the Zoo's trademarks in the United States District Court for Southern District of Texas. Obtained a favorable settlement and agreed permanent injunction.
- Counseled and defended an energy investment company in a copyright infringement matter in the Southern District of Texas relating to alleged large-scale unauthorized distribution of subscription newsletters. Obtained a very favorable trial verdict for the client.

- Represented an international industrial gas and chemical company in a copyright infringement matter in the District of Delaware relating to unauthorized distribution of subscription newsletters. Negotiated a favorable result for the client.
- Represented, as second chair, a national charitable organization as plaintiff in a trademark enforcement action against a manufacturer of children's products in the Southern District of Texas. After mediated settlement, obtained a stipulated permanent injunction for the client. In a separate case for this client, served as first chair in a trademark enforcement action against an individual and negotiated a favorable settlement.
- Represented a recycling technology company in dual federal and state court breach of contract suits concerning the use of jointly developed technology. Won a motion to remand one federal case back to state court and won a motion to dismiss a parallel federal court case. Drafted federal circuit court briefs for the matter as well. Ultimately assisted in achieving a settlement favorable to the client.

Commercial Litigation

- Represented a chemical manufacturer as the plaintiff in two breach of contract suits. Won a motion for summary judgment in one case and negotiated a settlement in favor of the client in the second.
- Represented a large multinational parent company in a fraud and breach of software licensing and consulting agreement suit involving a dozen independently represented subsidiaries. Negotiated and co-drafted a multimillion-dollar settlement agreement on behalf of the parent company.
- Represented a manufacturer of gas processing equipment in a suit alleging breach of contract, fraud, trade secret misappropriation and tortious interference against former sales representatives. Won a significant sanctions motion and obtained a favorable settlement for client.

Real Estate Litigation and Premises Liability Litigation

- Counsels and represents a real estate investment and services firm in real property disputes.
- While representing a national electronics retailer in a premises liability action in Harris County District Court, argued and won a motion for summary judgment on all claims for the client.
- Represented a local coatings manufacturer against its insurance company for a loss claim after a building fire. Negotiated a settlement for the full amount of the client's claim.
- Represented a partner to a real estate development partnership in an arbitration dispute with development partners concerning the development of partnership property.
- Represented and counseled a national healthcare provider in landlord-tenant disputes in multiple states.

Trusts and Estates Litigation

- Represented and counseled a national bank and individuals in trusts

and estates litigation matters in Texas.

Other Work

- Represents the Houston Zoo as litigation counsel and in negotiating and drafting various vendor, supplier and services contracts.
- Represented an online marketplace services company in responding to a civil investigative demand from the Texas Office of the Attorney General's Consumer Protection Division.
- Represented a natural gas exploration company in a joint Department of the Interior and Bureau of Land Management grand jury investigation into charges of mineral trespass.
- As a volunteer prosecutor with the Houston Municipal Court, tried more than a dozen misdemeanor cases to jury verdict.
- Served as an arbitrator on multiple arbitration panels charged with deciding fee disputes between attorneys and clients through the Houston Bar Association.

Memberships

- Houston Bar Association
 - Fee Dispute Committee
 - Alternative Dispute Resolution Committee
 - Professionalism Committee

Community

- Dispute Resolution Center of Houston: Board of Directors

BakerHostetler

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Overview

Renee Knudsen is a member of the litigation team who focuses her practice on appeals and major motions. Before joining BakerHostetler, Renee clerked for Judge Leslie Southwick, of the U.S. Court of Appeals for the Fifth Circuit, as well as for Judge Claude Hilton, of the U.S. District Court for the Eastern District of Virginia (also known as “the Rocket Docket”).

Services

- Appellate and Major Motions

Prior Positions

- The Honorable Leslie Southwick, U.S. Court of Appeals, Fifth Circuit: Law Clerk (2017 to 2018)
- The Honorable Claude Hilton, U.S. District Court, Eastern District of Virginia: Law Clerk (2016 to 2017)

Admissions

- U.S. Court of Appeals, Fifth Circuit, 2018
- U.S. Court of Appeals, Fourth Circuit, 2017
- U.S. District Court, Eastern District of Virginia, 2017
- Virginia
- District of Columbia

Education

- J.D., Regent University School of Law, 2016, *summa cum laude*; *Regent Law Review*: Managing Editor, Staff Editor of the Year
- B.S.B.A., Thomas Edison State University, 2011

BakerHostetler

Eric W. Kristiansen

Partner

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Overview

Eric Kristiansen focuses his practice on the prosecution and defense of complex commercial litigation, as well as the defense of wrongful death and personal injury matters. Many of Eric's clients have global footprints, and he is routinely recognized by clients for his ability to provide creative solutions in complex matters. For many clients, Eric is retained well in advance of an anticipated dispute or lawsuit. In those instances, his communication, risk-assessment and management skills are utilized to make strategic decisions affecting the ultimate outcome.

In addition to his litigation practice, Eric frequently advises clients regarding risk mitigation and management, incident investigations, and safety policies and procedures, and he has conducted seminars for his clients on those subjects.

Experience

Commercial Litigation

- Represented a global industrial services company in warranty and indemnity disputes.
- Represented an energy company in disputes related to contractual indemnity and the Texas Oilfield Anti-Indemnity Act. Successfully resolved numerous insurance issues related to contractual indemnity obligations.
- Represented an oilfield services company in pre-dispute activities involving a global re-branding initiative in nearly a dozen countries. Amicably resolved all issues related to intellectual property rights without the necessity of litigation.
- Represented an oil and gas exploration and production company in connection with its Chapter 11 bankruptcy case.
- Represented exploration and production companies in commercial disputes related to onshore and offshore drilling, completion and production operations.
- Represented an exploration and production company in cases involving royalty disputes, general mineral lease disputes with working interest owners, and disputes with surface owners.
- Represented a drilling company in cases involving down-hole trespass claims, claims arising out of drilling operations and surface damages.
- Represented a drilling company and individuals in arbitration over stock options and a noncompete agreement.
- Represented a plaintiff in a dispute over commissions owed for geological surveys of South American oilfields.
- Represented a real estate developer in a contentious contract dispute and negotiations with the Army Corps of Engineers.
- Represented an electrical transmission and distribution contractor in a complex breach of contract and property damage case. Represented the client in all aspects of litigation, which related to physical damage (and alleged economic loss) to transmission and distribution power lines during a construction job. After nearly 30 depositions and multiple motions, the matter was amicably resolved shortly before trial.
- Represented a drilling contractor in a cross-border breach of contract dispute involving multiple international jurisdictional issues. The case covered international exploration and the production company's U.S. contacts, as the company was fighting jurisdiction in the U.S. After a three-day bench trial involving expert testimony, fact witnesses, and thousands of pages of documents, the case was resolved to the client's satisfaction.
- Represented a window wall and curtain wall system manufacturer in a complex product liability and breach of contract dispute involving alleged property damages to a 40-story hospital. The complex matter involved several hospital entities, including multiple intervening insurance companies asserting subrogation rights, who claimed their

40-story hospital tower was defectively constructed. As a result of damage during Hurricane Ike and another rain event, the plaintiffs submitted damages in excess of \$40 million. After three years of litigation, depositions and millions of pages of documents, the case was ultimately resolved in a confidential settlement.

- Represented a window wall and curtain wall system manufacturer in a products liability and breach of contract dispute pending in bankruptcy court. The case involved alleged property damages to a beachfront high-rise condominium. The matter provided a unique challenge due to its relation to a possible jury trial over products liability claims in an adversary proceeding pending in bankruptcy court. After an oral hearing, a prompt dismissal of claims against the client was acquired due to multiple defects in claims asserted by the plaintiff.
- Represented a roofing materials manufacturer in warranty and breach of contract claims filed by a school district. The case was tried to jury verdict and, after multiple appeals, was remanded for a new trial. The procedural posture of the case presented many unique challenges to the client's defense. The case ultimately was resolved to the client's satisfaction.

Products Liability and Personal Injury Defense

- Routinely represents an oilfield equipment manufacturer in products liability cases involving personal injuries. Routinely addresses indemnity and insurance issues related to the defense of those matters.
- Defends oilfield clients in explosion cases and catastrophic injury matters.
- Is lead counsel on a docket related to workplace injuries at chemical plants in East Texas. Represented a chemical plant and the premises owners in lawsuits filed by employees of independent contractors who alleged a variety of injuries resulting from their work.
- Represents a mobile batch plant manufacturer in products liability cases involving personal injuries. For example, represented the client in a suit regarding catastrophic injuries that allegedly occurred during fracking operations at a well in West Texas.
- Represents an oilfield services company in personal injury and death cases.
- Routinely represents drilling contractors in personal injury cases arising out of drilling activities.
- Represented a chemical company sued under the Federal Employers Liability Act (FELA) for personal injuries arising out of a railroad incident on company premises. The employee was injured while working with a site logistics crew responsible for rail operations. The plaintiff argued that he was a railroad worker under FELA and therefore the workers' compensation bar did not apply to his lawsuit, which would have otherwise prevented him from suing his employer in the state of Texas. After numerous depositions, including fact witnesses and corporate representatives, summary judgment in favor of the client was obtained. The judgment was affirmed by the Fifth Circuit.

Recognitions and Memberships

Recognitions

- Texas "Super Lawyer" (2014 to 2018)
 - Texas Super Lawyers "Rising Star" (2005 to 2011, 2013 to 2014)

News

- 12/28/2016
150 BakerHostetler Attorneys Named 2016 Super Lawyers; 91 Named Rising Stars
- 10/29/2015
160 BakerHostetler Attorneys Named 2015 Super Lawyers; 112 Named Rising Stars

Services

- Commercial Litigation
- Environmental
- Product Liability and Toxic Tort

Industries

- Energy Industry

Admissions

- U.S. Court of Appeals, Fifth Circuit, 2011
- U.S. District Court, District of Colorado, 2010
- U.S. District Court, Western District of Texas, 2010
- U.S. District Court, Eastern District of Texas, 2001
- U.S. District Court, Southern District of Texas, 2000
- U.S. District Court, Northern District of Texas
- Texas

Education

- J.D., Tulane University Law School, 2000
- B.S., Trinity University, 1996

Stephen LaFalce
Baker & Hostetler LLP

2015 – Present

Baker & Hostetler LLP
Legal Researcher

2013 – 2018

UDC David A. Clarke School of Law
Adjunct Professor – Legal Research

2015

Dentons US
Business Intelligence Analyst

2013 – 2014

Fish & Richardson
Senior Research Librarian

- The Catholic University of America, M.S.L.S. Library Science
- The College of William and Mary, Master of Arts, Government
- The George Washington University, Bachelor of Arts, International Affairs

Nikki M. Landrio
BAKER & HOSTETLER LLP

February 2009 – Present	Baker & Hostetler LLP Senior Complex Case Coordinator
April 2003 – January 2009	Silverman Acampora LLP Paralegal
1997 – 1999	Ruskin Moscou Faltischek, PC Administrative Assistant

DEANNA LYNN HEIDELBERG LANE, FRP

BAKER & HOSTETLER LLP

EXPERIENCE

2003-Present	Baker & Hostetler LLP, Orlando, FL Bankruptcy Paralegal
2000-2003	Rumberger, Kirk & Caldwell, PA, Orlando, FL Contract Litigation Paralegal
1987-1991	Cook & Franke, SC, Milwaukee, WI Litigation Paralegal
1984-1987	Kirkland & Ellis, LLP, Chicago, IL Senior Litigation Paralegal
1981-1984	Winston & Strawn, LLP, Chicago, IL Litigation and Bankruptcy Paralegal

EDUCATION

1981	Lawyers Assistant Program, with honors in legal writing, Roosevelt University, Chicago, IL
1978	Bachelor of Music, with highest honors, University of Southern Mississippi, Hattiesburg, MS

BakerHostetler

Andrew V. Layden

Associate

Orlando

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Overview

One impressed client reports: "I'd put [Andrew] up there with almost anyone I've ever worked with. He is intelligent and hugely efficient."

— Chambers USA 2017

Andrew Layden is a board certified business bankruptcy attorney who concentrates his practice in commercial bankruptcy, troubled loan workouts, financial restructuring and commercial litigation. He represents financially distressed businesses and their owners in court supervised and out-of-court restructurings in a variety of industries, including energy, hospitality, retail, healthcare and real estate. He also advises creditors, trustees and distressed asset purchasers in the areas of bankruptcy, insolvency and section 363 asset sales.

In 2016, Andrew was appointed as the Orlando representative for the Local Rules Lawyers' Advisory Committee to the U.S. Bankruptcy Court for the Middle District of Florida. He has served on the board of directors of the Central Florida Bankruptcy Law Association since 2014. Additionally, he serves as a member of the Continuing Legal Education Committee of the Business Law Section of the Florida Bar. Prior to joining the firm, Andrew served as the judicial law clerk to the Honorable Caryl E. Delano, Bankruptcy Judge for the U.S. Bankruptcy Court, Middle District of Florida.

Experience

- Represented multiple publicly traded oil and gas exploration and production companies in connection with their Chapter 11 bankruptcy cases. *In re American Eagle Energy Corporation*; *In re Black Elk Energy Offshore Operations, LLC*.
- Represented nine related companies operating investment funds primarily investing in real estate, websites, and oil and gas projects in connection with their Chapter 11 bankruptcy cases. *In re Pelican Real Estate, LLC*.
- Represented individual Chapter 11 debtor in successfully negotiating and confirming a Chapter 11 plan which contemplated the sale of multiple restaurant franchises and related assets. *In re Cosentino*.
- Represented the Official Committee of Unsecured Creditors in a Chapter 11 bankruptcy case of a manufacturer of Bitcoin mining computers and related hardware. *In re HashFast Technologies LLC*.
- Represented multiple reorganized Chapter 11 debtors and obtained a bankruptcy court order permanently preventing a group of plaintiffs from pursuing the reorganized debtors for significant contribution claims under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). *In re Solitron Devices, Inc.* 510 B.R. 890 (Bankr. S.D. Fla. 2014).
- Represented a Fortune 500 company in multiple related lawsuits defending against claims of fraudulent transfer, successor liability and unfair trade practices.
- Represented multiple business and asset purchasers in connection with section 363 sales in the entertainment, technology and healthcare industries.
- Represented one of the largest unsecured creditors in the bankruptcy case of *In re Eastman Kodak*.

- Represented a group of midstream energy transportation companies in connection with their Chapter 11 bankruptcy cases. *In re Dakota Plains Holdings, Inc.*
- Represented multiple companies operating landfills and offering recycling services in connection with their Chapter 11 bankruptcy cases. *In re Orange County Environmental, LLC.*
- Represented the assignee in the successful assignment for the benefit of creditors proceeding of Lake Mary Logistics, Inc., a postal contractor.
- Represented unsecured creditors in the successful prosecution of a motion to convert an individual Chapter 11 bankruptcy case to Chapter 7.

Recognitions and Memberships

Recognitions

- Chambers USA: Bankruptcy/Restructuring in Florida (2017 to 2019)
 - Star Associate (2017 to 2019)
- American Board of Certification: Board Certified in Business Bankruptcy Law (At the time he obtained board certification, Andrew was the youngest board certified bankruptcy lawyer in the nation.)
- U.S. Bankruptcy Court, Middle District of Florida: Local Rules Lawyers' Advisory Committee
 - Orlando Representative (2016 to 2019)
- U.S. District Court, Middle District of Florida Grievance Committee (appointed by Chief Judge to six-member committee for Orlando division) (2018 to 2020)
- 89th Annual National Conference of Bankruptcy Judges: Next Generation Program (One of 40 lawyers in the nation selected to participate) (2015)
- *Florida Trend Legal Elite* "Up and Comer," Bankruptcy and Workout (2015 to 2018)

Memberships

- American Bankruptcy Institute
- The Florida Bar: Business Law Section
 - Bankruptcy/UCC Committee: Legislative Subcommittee (2017, 2018)
 - Continuing Legal Education Committee (2016 to 2018)
 - Deposition Boot Camp Seminar: Co-Chair (2017)
- Central Florida Bankruptcy Bar Association
 - Board of Directors (2014 to 2016, 2017 to 2019)
 - Treasurer (2018)
- Orange County Bar Association
- Federal Bar Association: Orlando Chapter

News

- 1/17/2019
Liz Green, Team Earn "Deal of Year" Honors for Alliance Medical Holdings Sale
- 6/26/2018
Andrew Layden Named "Legal Elite Up & Comer" by Florida Magazine

Press Releases

- 5/3/2018
Chambers and Partners USA Honors 118 Attorneys and 45 Practice Areas in 2018 Guide

Community

- Big Brothers Big Sisters of Central Florida: Volunteer (2014 to 2017)
- Leadership Orlando, Class 89 (2015)

Pro Bono

- Volunteers for the Middle District of Florida Bankruptcy Pro Se Clinic, offering information and guidance to individuals who choose to represent themselves in U.S. Bankruptcy Court.

Services

- Bankruptcy, Restructuring and Creditors' Rights

Prior Positions

- Law Clerk to the Honorable Caryl E. Delano of the United States Bankruptcy Court for the Middle District of Florida (2010 to 2011)
- Judicial Extern to the Honorable Maurice Paul of the United States District Court for the Northern District of Florida (2009)

Admissions

- U.S. Court of Appeals, Eleventh Circuit
- U.S. District Court, Middle District of Florida
- U.S. District Court, Southern District of Florida
- U.S. District Court, Northern District of Florida
- Florida

Education

- J.D., University of Florida Levin College of Law, 2010; *cum laude*; Articles Editor, *Florida Law Review*; Book Awards: Tort Litigation, Law & Economics, Employment Law
- B.S., Finance, Applied Economics, Florida State University, 2007, *cum laude*

Daniel R. Lemon

Associate

Cleveland

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Admissions

- U.S. District Court, Northern District of Ohio
- U.S. Court of Appeals, Sixth Circuit
- Ohio

Education

- J.D., University of Virginia School of Law, 2017
- B.A., Michigan State University, 2012, with honors

Daniel Lemon guides clients through complex litigation with a level-headed and practical approach. He has experience with cases of all sizes, from multimillion-dollar class actions to *pro bono* representation of individual clients. His understanding of complex legal issues helps clients make informed decisions and achieve their goals.

Experience

Higher Education and Title IX

- Advises one of the nation's top universities on Title IX matters and discrimination claims, helping administrators in the #MeToo era respond appropriately and effectively.

Ohio's Competitive Energy Markets

- Represents several of Ohio's largest competitive suppliers of electricity and natural gas on a range of matters before the Public Utilities Commission of Ohio.

Appellate Litigation

- Helped win a major victory in *Gembarski v. PartsSource*, an Ohio Supreme Court case about waiving arbitration rights in class actions.
- Represented *amici* in the Supreme Court of the United States in matters involving class certification.

Securities Litigation

- Defended an international aerospace company in a securities fraud lawsuit alleging hundreds of millions of dollars in damages.

Internal Investigations

- Conducted internal investigation into allegations of corruption at the Mexican subsidiary of a multinational company.

Insurance

- Advises a regional insurance company on tricky claims alleging catastrophic damages, helping to avoid bad faith litigation.

Memberships

- ATIXA-certified Title IX Investigator
- Federal Bar Association
- Cleveland Metropolitan Bar Association

Pro Bono

Daniel takes his professional obligation to represent underserved clients seriously. He has successfully represented *pro bono* clients before courts and administrative agencies.

- Represented clients in the Federal Court of Appeals for Veterans' Claims as part of the BakerHostetler Veterans' Consortium Pro Bono Program. Alongside a small team of attorneys, successfully appealed the denial of a deceased veteran's benefits; the court instructed the Veterans Administration to reconsider the denial.
- Represented an indigent client whose Social Security benefits were wrongfully terminated. The Social Security Administration reversed its prior decision and reinstated the client's benefits, including back-pay, providing the client with a steady income and preventing homelessness.
- Assisted with civil rights litigation on behalf of nonprofit organization committed to promoting women's health.

Brittany N. Lockyer

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Prior Positions

- Cleveland Metroparks: Law Clerk (2016 to 2018)
- The Honorable Dan A. Polster, U.S. District Court, Northern District of Ohio: Judicial Extern (2016)

Admissions

- Ohio

Education

- J.D., Case Western Reserve University School of Law, 2018, *magna cum laude*; Case Western Reserve University Law Review, Senior Editor; Order of the Coif
- B.A., Miami University, 2013

Brittany Lockyer's developing practice benefits from her strong work ethic and commitment to succeed. She relies on a gift for multitasking to assist both team members and clients with various needs: Her diverse background includes representing clients in landlord-tenant and employment disputes, drafting capital habeas petitions, and performing research for the Chief Legal & Ethics Officer and Chief Prosecuting Attorney at the Cleveland Metroparks.

Daniella E. Martinez

Associate

Houston

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Prior Positions

- Law Clerk for the Honorable Rolando Olvera, United States District Court for the Southern District of Texas (2017)
- U.S. House of Representatives, Congressman Henry Cuellar: District Press Secretary (2011 to 2013)

Admissions

- U.S. District Court, Southern District of Texas
- Texas

Education

- J.D., The University of Texas School of Law, 2016; *Texas Journal on Civil Liberties & Civil Rights*, Staff Editor; Order of Barristers; Student Bar Association, President; Chicano Hispanic Law Student Association, Board Member
- B.S., The University of Texas at Austin, 2011, with high distinction, Business Foundations Certification

Languages

- Spanish

Daniella Martinez focuses her practice on complex commercial litigation in both state and federal courts. She represents clients in a broad range of matters, including commercial disputes, energy litigation and personal injury claims. Prior to joining BakerHostetler, Daniella clerked for the Honorable Rolando Olvera, U.S. District Judge in the Southern District of Texas.

Experience

- Assisted in the defense of oil and gas operator in significant personal injury suit. Handled research, discovery, dispositive motions, and deposition preparation resulting in the quick dismissals of all claims.
- Served as member of a trial team that obtained a jury verdict awarding over \$60 million in damages to an oil and gas exploration and production company. The award, based on a counterclaim, asserted gross negligence and willful misconduct on the part of the operator in the construction of a processing facility.
- Assisted in representation of oil and gas service company in suit against former employees and competitor for theft of confidential information. Researched and drafted trial memorandums on key issues. Case resulted in favorable settlement for the client.

Memberships

- Texas Law Alumni Steering Committee
- Houston Young Lawyers Association: Firm Liaison

Pro Bono

- Represent minors in state court proceedings in an effort to seal juvenile criminal records, drafting petitions, arguing on behalf of the minor at hearings, and ensuring all relevant federal, state and local agencies comply with the sealing requirements.
- Draft wills, medical directives, and other end-of-life planning documents for senior citizens.
- Worked on protection for non-residents petitions under the Violence Against Women Act, including translation of personal statements.

- Represented indigent clients charged with misdemeanor crimes.
- Assisted in the appellate process of inmates sentenced to lengthy prison terms.

Bridget S. McCabe

Associate

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Services

- Antitrust and Competition
- Commercial Litigation

Admissions

- U.S. Court of Appeals, Federal Circuit
- U.S. District Court, District of Columbia
- U.S. District Court, Central District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California
- U.S. District Court, Eastern District of California
- New York
- District of Columbia
- California

Education

- J.D., Catholic University of America, Columbus School of Law, 2010, *cum laude*; *Catholic University Law Review*, Production Editor; Merit Award Scholarship Recipient
- B.A., English, University of San Diego, 2004; Department of English Honors; Captain, NCAA Division I Volleyball Team (2003)

Bridget McCabe focuses her practice on high-stakes, complex commercial disputes in federal courts across the country, including antitrust litigation, trade secret misappropriation, patent infringement, Administrative Procedure Act challenges, and commercial contract claims. Experienced in all phases of litigation, Bridget advocates for her clients by maintaining close attention to detail and developing effective case strategy. Bridget routinely drafts complex legal arguments and is well-versed in motion practice, dispositive motion hearings, depositions, all stages of written discovery, preliminary injunction proceedings, and trial preparation.

Experience

- Representing a major petroleum company seeking to recover environmental costs against the United States related to World War II and Korean Conflict contracts.
- Member of a trial team representing a certified class of dairy farmers located in 14 southeastern states against the Dairy Farmers of America, Dean Foods and a number of other defendants in an action alleging violations of Section 1 of the Sherman Act by unlawfully conspiring to eliminate competition for the marketing, sale and purchase of raw milk in the Southeast. Litigation was settled for more than \$300 million, along with the agreed reform of significant business practices.
- Represented several major children's hospitals in three cases challenging a federal agency's application of guidance as an interpretative rule. Obtained preliminary and permanent injunctive relief enjoining the agency from recouping millions of dollars from the hospitals.
- Represented multiple children's hospitals challenging an agency's final rule codifying guidance that denies children's hospitals millions of dollars in supplemental Medicaid funds. Obtained vacatur of the rule on summary judgment.
- Representing a biopharmaceutical company in Administrative Procedure Act challenge to a final rule promulgated by the Food and Drug Administration regarding drug compounding.
- Member of a team representing a certified class of dairy farmers in an action alleging an unlawful conspiracy to eliminate competition for the

marketing, sale and purchase of raw milk in the Northeast in violation of sections 1 and 2 of the Sherman Act. Settlements totaling \$80 million, plus non-monetary relief, have been obtained on behalf of the clients and class.

- Represented a heavy equipment manufacturing client in a dispute involving trade secret misappropriation, breach of contract, and false advertising.
- Represented a heavy equipment manufacturing client in a complex contract dispute that included allegations of fraud.
- Member of a team that conducted an internal investigation of a Fortune 100 company in connection with alleged criminal antitrust violations.
- Represented tobacco company client in the defense of antitrust claims brought by a purchaser under the Robinson-Patman Act.
- Represented a technology company in a patent infringement matter involving on-hold music and messaging technology. After obtaining a favorable Markman ruling, the litigation team significantly narrowed plaintiff's claims through summary judgment, resulting in the ultimate dismissal of the action with prejudice.
- Member of a litigation team defending a prominent GPS navigational equipment manufacturer in various patent litigation matters.

Recognition

- New York Metro Super Lawyers "Rising Star" (2017 to 2018)

Memberships

- American Bar Association

Pro Bono

- Served as special assistant corporation counsel for the Law Department of the City of New York. Conducted and defended depositions on behalf of the city.

Marcus McCutcheon

Associate

Costa Mesa

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mmccutcheon@bakerlaw.com



Services

- Commercial Litigation
- Antitrust and Competition

Prior Positions

- Entertainment, Arts and Sports Law Society: Treasurer

Admissions

- U.S. District Court, Central District of California
- California

Education

- J.D., Florida State University College of Law, 2011
- B.A., Political Science and Cultural & Social Anthropology, Stanford University, 2007

Marcus McCutcheon focuses his practice on complex civil litigation and has significant experience litigating complex business, consumer warranty, product/technology, insurance coverage, construction defect, and employment matters in both federal and state courts. He also works with manufacturers in the automotive industry in regulating the relationship between the manufacturers and their franchise dealers and representing manufacturers in consumer warranty matters. He treats the client-attorney relationship as a partnership, using a practical and creative approach to achieve his clients' goals.

Marcus is a member of the firm's Diversity and Inclusion Committee.

Experience

- Defended multiple multinational automobile manufacturers in numerous consumer warranty matters.
- Member of team representing a multinational fitness equipment manufacturer in a product liability matter.
- Represented a global, integrated healthcare services and products company in litigation involving claims brought by an employee who was injured while operating equipment in a company warehouse.
- Defended a luxury shoe wear and streetwear apparel retailer in litigation alleging fraud against the retailer. Obtained voluntary dissolution of a preliminary injunction previously issued against the retailer and voluntary dismissal of the complaint.
- Represented an aerospace components manufacturer in defending and counterclaiming against another industry manufacturer in breach of contract litigation.
- Part of team defending a large manufacturer in a wage and hour employment class action, as well as in federal court litigation against its insurer, which initially refused to pay for the manufacturer's defense in the underlying class action. The manufacturer reached a favorable settlement with its insurer following a successful motion for partial summary judgment.
- Represented a global operator of airport concessions in construction defect litigation involving numerous facilities in one of the United States' busiest airports. Assisted with the litigation and resolution of claims against dozens of contractors and/or their bond providers and

ultimately recovered a high percentage of the funds at issue to complete the construction.

- Assisted in construction development litigation representing a real estate developer that was sued by a large public hospital district in federal court.
- Assisted in construction development litigation representing a large multinational medical hardware manufacturer in a suit over a real estate development.

Recognition

- National Black Lawyers Top 40 Under 40
- Leadership Counsel on Legal Diversity, Pathfinder Program (2016)

Memberships

- American Bar Association
- National Bar Association
- Orange County Bar Association: Former Young Lawyers Division Community Outreach Committee Chair
- Orange County Celtic Bar Association: Trustee
- Orange County Thurgood Marshall Bar Association
- Orange County Hispanic Bar Association

Pro Bono

- Represented an elderly World War II veteran plaintiff in elder abuse litigation. Obtained a favorable settlement for plaintiff on the morning of trial.
- Defended a single mother of four in collections litigation, vacating plaintiff's default judgment and obtaining a favorable settlement for defendant.

Michael McDonald, CEDS, RCA
Baker & Hostetler LLP

Jan 2017 – Present	Baker & Hostetler LLP Senior Litigation Support Coordinator
May 2012 – Dec 2016	Baker & Hostetler LLP Litigation Support Coordinator
Apr 2008 – May 2012	Vorys, Sater, Seymour and Pease LLP Litigation Technology Analyst
Jan 2006 – June 2009	Vorys, Sater, Seymour and Pease LLP Paralegal
Sept 2005 – Dec 2005	Vorys, Sater, Seymour and Pease LLP Workers' Compensation Assistant
Sept 1999 – Sept 2005	Vorys, Sater, Seymour and Pease LLP Workers' Compensation Coordinator
Jan 1999 – Sept 1999	Jones, Day, Reavis & Pogue Project Assistant

- Relativity Certified Administrator (RCA) designation earned from Relativity, February 2019
- Certified E-Discovery Specialist (CEDS) designation earned from Association of Certified E-Discovery Specialists, April 2015
- Kent State University, Bachelor of Fine and Professional Arts, August 1994

BakerHostetler

Melinda L. McLellan

Partner

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Overview

Melinda McLellan is a seasoned privacy and cybersecurity law advisor whose practice focuses on the regulation of emerging technologies, compliance with evolving U.S. state and federal privacy legislation, and cross-border data protection matters. As co-leader of the firm's EU General Data Protection Regulation (GDPR) initiative, Melinda works with multinational clients to identify, evaluate and manage the myriad of compliance obligations associated with corporate privacy and information security practices. Her broader practice includes advising on a wide variety of privacy and data security issues, including the use of biometrics, securing the Internet of Things, implementation of blockchain technologies, cybersecurity threats to the financial services and energy sectors, autonomous vehicles, genetic privacy, artificial intelligence, Big Data, information security incident response, and negotiating complex tech transactions.

Experience

- Advises on compliance with international data transfer restrictions and data localization requirements, including through the implementation of cross-border transfer mechanisms such as the EU-U.S. Privacy Shield framework, standard contractual clauses, intercompany agreements and binding corporate rules. Additionally, developed and implemented EU General Data Protection Regulation (GDPR) compliance programs for numerous US and international organizations, including GDPR applicability analysis, data mapping, data transfer mechanisms, consent mechanisms, "right to be forgotten," data security assessments, breach response programs, selection of Data Protection Officers and employee training.
- Manages complex technology transactions on both the vendor side and the customer side, drafting and negotiating multiparty contracts and outsourcing agreements from the RFP through follow-up compliance assessments.
- Advises companies on new requirements under the California Consumer Privacy Act (CCPA), including by developing broad-based compliance strategies to address other pending state and federal privacy legislation.
- Counsels clients on regulatory compliance strategies and best practices for private-sector use of cloud computing solutions, biometric authentication, facial recognition technology, geolocation tracking systems, mobile applications, behavioral marketing tools, social media platforms, data analytics services and other emerging technologies.
- Works with cross-disciplinary teams to devise and implement clear, concise, non-obtrusive and legally compliant disclosures regarding data management practices as well as opt-in and opt-out mechanisms for the collection, use and sharing of sensitive information.
- Manages all aspects of information security breach response, including evaluating legal and regulatory notification obligations, developing written communications for affected populations and internal stakeholders, refining media messaging strategies, coordinating forensic investigations, working with law enforcement authorities, and interfacing directly with state and federal regulators.
- Prepares cyber risk exposure analyses, disclosure statements and supporting materials for publicly traded companies and entities preparing for IPOs and other corporate transactions.
- Advises clients on legal risks and best practices associated with background checks, employee monitoring and Bring Your Own Device programs, including by developing internal policies and protocols and implementing mobile device management systems.
- Drafts and negotiates privacy and data security provisions for commercial contracts, including service provider agreements; assists clients with remediation of privacy and data security deficiencies and lacunae in legacy vendor contracts.

- Conducts thorough assessments of third-party vendor candidates to evaluate data protection posture and compliance readiness prior to engagement, then assists with oversight and enforcement of privacy and security representations over the course of the service agreement.
- Devises privacy and information security awareness programs and training modules for personnel, typically deploying a multitiered, risk-based approach to account for varying degrees of employee access to, and responsibility for, sensitive data.
- Conducts in-house security training and tabletop exercises to build awareness and help companies prepare to effectively and efficiently manage data security threats and incidents.
- Counsels clients on information governance practices and the development of records retention, maintenance and destruction policies and procedures.
- Implements insider threat analysis tools for organizations, particularly in the financial sector, to detect and prevent security incidents and facilitate integrated enterprisewide security solutions.
- Provides data protection counseling to a variety of technology companies and outsource vendors that offer big data analytics and complex fraud detection and prevention services.
- Works directly with in-house counsel, internal stakeholders and third-party technologists to develop complex privacy and information security policies, procedures, protocols, guidelines and notices.

Recognitions and Memberships

Recognitions

- New York Metro Super Lawyers "Rising Star" (2012 to 2018)
- New York Super Lawyers "Top Women Attorneys" (2012 to present)
- New York State Bar Association: Empire State Counsel (2007 to 2013)
- The Legal 500 United States (2017 to 2019)
 - Next Generation Lawyer in Media, Technology and Telecoms - Cyber Law (including data privacy and protection)

Memberships

- International Association of Privacy Professionals
 - Certified Information Privacy Professional – United States (CIPP/US)
 - Certified Information Privacy Professional – Europe (CIPP/E)
- Women in eDiscovery, New York City Chapter
- The Sedona Conference: Working Group 11, Data Security and Privacy Liability

News

- 4/25/2019
Melinda McLellan Comments on New EU Biometrics Database
- 4/4/2019
Blog Post Recommends FAQ on CCPA Written by Alan Friel, Laura Jehl, Melinda McLellan
- 3/29/2019
Melinda McLellan Speaks to NPR about Privacy and MLB Player Bio-Data Trackers
- 2/21/2019
Melinda McLellan Speaks on Cybersecurity to Angel Investor Group
- 10/12/2018
Melinda McLellan, Seth Engel Present Webinar on GDPR Compliance for M&A
- 8/22/2018
Linda Goldstein, Laura Jehl, Melinda McLellan Speak at ANA/BAA Marketing Law Conference
- 8/20/2018
Melinda McLellan, James Sherer Speak at Data Breach Summit in New York
- 5/18/2018
BakerHostetler M&A Team Represents ECN Capital Corp. in Entering into Definitive Agreement to Acquire Majority Stake in Kessler Financial Services

- 5/14/2018
Melinda McLellan, Sara Goldstein Lead CLE Seminar on Cybersecurity and Energy Sector
- 5/9/2018
Laura Jehl, Melinda McLellan, Emily Fedeles Speak at Women at eDiscovery Meeting
- 4/10/2018
McLellan, Jehl Present Webinar on GDPR Compliance
- 4/3/2018
Six BakerHostetler Attorneys Speak at Defense Industry Conference
- 2/9/2018
Melinda McLellan Moderates Panel on Privacy Protection and GDPR at Cybertech Tel Aviv 2018
- 11/13/2017
Friel, McLellan and Daugherty Speak at Software Information and Industry Association's Deciphering the Internet of Things Program
- 10/16/2017
Melinda McLellan Discusses Best Practices for Compliance with EU GDPR
- 8/13/2017
Melinda McLellan, Craig Hoffman Recommend Best Cybersecurity Practices for Financial Services Companies
- 8/4/2017
Melinda McLellan, Craig Hoffman Quoted Regarding New York Cybersecurity Requirements
- 8/1/2017
Melinda McLellan, Craig Hoffman, Jonathan Forman Discuss New York Cybersecurity Regulations
- 7/24/2017
Melinda McLellan Comments on Washington State Law Governing Collection of Biometrics
- 12/28/2016
150 BakerHostetler Attorneys Named 2016 Super Lawyers; 91 Named Rising Stars
- 7/25/2016
BakerHostetler Attorneys Speak at Massachusetts Export Center's Program on International Trade Compliance
- 10/29/2015
160 BakerHostetler Attorneys Named 2015 Super Lawyers; 112 Named Rising Stars

Press Releases

- 6/3/2019
BakerHostetler Attorneys Make Significant Gains in The Legal 500 Annual Guide
- 4/4/2019
BakerHostetler's 5th Annual Data Security Incident Response Report Highlights Collision of Privacy, Cybersecurity and Compliance; Details Efforts to Minimize Risk
- 6/5/2018
BakerHostetler Boosts High Marks in the Legal 500 2018 Annual Guide
- 3/26/2018
BakerHostetler Data Security Incident Response Report Demonstrates Need for Cyber Resilience and Leveraging Compromise Response Intelligence

Articles

- 6/5/2019
Privacy and Data Protection Team Exclusively Pens U.S. Chapter of Legal 500 Guide
- 7/24/2017
Sherer, McLellan, Fedeles, Sterling Author Comprehensive Article on the Mechanics, Use and Effects of Ransomware

Pro Bono

- New York City Bar Justice Center, Legal Clinic for the Homeless

- Lawyers' Committee for Civil Rights Under Law, Election Protection Program
- Successfully represented a West African victim of gender-based violence seeking asylum in the United States before the Department of Homeland Security

Services

- Privacy and Data Protection
- Information Technology and Transactions
- Advertising, Marketing and Digital Media
- Copyright, Content, and Platforms
- Compliance

Industries

- Investment Funds
- Financial Services Industry
- Software
- Technology in Manufacturing

Emerging Issues

- Internet of Things (IoT)
- Blockchain Technologies and Digital Currencies
- U.S. Consumer Privacy and the CCPA

Admissions

- New York

Education

- J.D., Harvard Law School, 2005; Executive Editor, *Harvard International Law Journal*
- B.A., Political Science and French Studies, Rice University, 2000

Languages

- French
- Italian

Danielle L. Merola

Associate

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Services

- Bankruptcy, Restructuring and Creditors' Rights

Prior Positions

- The Honorable Karen S. Jennemann, U.S. Bankruptcy Court for the Middle District of Florida: Judicial Law Clerk
- The Honorable James D. Whittemore, U.S. District Court for the Middle District of Florida: Judicial Intern
- U.S. Department of Justice Elder Justice Initiative: Volunteer Intern

Admissions

- Florida

Education

- J.D., Stetson University College of Law, 2015, *magna cum laude*; *Stetson Law Review*, Articles & Symposia Editor; Book Awards: Bankruptcy, Civil Procedure, Contracts, Complex Litigation, Real Property, Constitutional Law, Trusts & Estates, Administrative Law, Advanced Legal Research
- B.A., University of Central Florida, 2012, *cum laude*

With extensive experience working in courtrooms and with judges, Danielle Merola brings an in-depth understanding of judicial processes to her bankruptcy practice. She is familiar with the complex nuances of multiple chapters of bankruptcy. Additionally, she has experience drafting orders, opinions, internal memoranda, and hearing briefs for several judges. Besides her traditional judicial law clerk duties during her clerkship, Danielle was the head writer on the Procedure Manual Committee. She drafted and edited district-wide procedures consistent with the Federal Rules of Civil Procedure, Federal Rules of Bankruptcy Procedure, the Bankruptcy Code, and local regulations.

Conscientious and hard-working, Danielle strives to educate clients on bankruptcy-related processes and lead them towards a favorable outcome.

Recognition

- U.S. Bankruptcy Court for the Middle District of Florida: Employee Recognition Award for Outstanding Performance (2016 to 2018)

Memberships

- Central Florida Bankruptcy Law Association
- Florida Bar Association

BakerHostetler

Kimberly S. Morris

Partner

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Overview

Kim Morris focuses her practice on the representation of public and private corporations or board committees in connection with corporate compliance matters, regulatory investigation and enforcement actions, as well as in complex civil litigation. Kim has extensive experience in designing and conducting internal investigations relating to compliance breaches, securities and financial fraud, whistleblower allegations, employment matters, and regulatory and audit inquiries. She also regularly represents witnesses, subjects and targets in connection with grand jury investigations in both state and federal criminal matters. On the civil side, Kim advises clients in connection with professional liability claims, civil fraud cases, and shareholder disputes. A diligent and efficient litigator, Kim works with her clients to navigate their issues, analyze ramifications, and find effective solutions that best fit the needs of her clients.

Experience

- Conducted an internal investigation for a board committee of a financial institution regarding fraudulent conduct by a bank manager and successfully referred the matter to the United States Attorney's Office, leading to a bank fraud conviction and substantial restitution award for the financial institution.
- Assisted a Fortune 200 company in obtaining auditor sign off of a cross-border investigation into employee accounting fraud.
- Conducted an internal investigation for the board of a financial institution relating to alleged misconduct by the CEO.
- Represented the directors of a failed bank's holding corporation against breach of fiduciary duty claims brought derivatively by the shareholders of the corporation. In a parallel lawsuit, defended the same directors in an investigation by the FDIC relating to the bank's failure.
- Conducted an internal investigation for a public energy company relating to improper loans to the CEO.
- Obtained a \$30M settlement for a bankruptcy trustee in connection with a complex civil litigation involving breach of fiduciary duty and fraudulent transfer claims against multiple former officers and directors of a failed subprime mortgage lender.
- Represented a target of a Fortune 500 company in a federal grand jury investigation and subsequent criminal prosecution relating to alleged Clean Water Act violations. After meeting with federal authorities, proposed charges against client were dropped.
- Obtained a full record clearance for a CEO of a healthcare company in a multi-jurisdictional criminal prosecution involving insurance fraud violations.
- Conducted an internal investigation for an audit committee of a lending institution following whistleblower allegations that the institution was violating fair lending laws.
- Conducted an internal investigation for the audit committee of an agricultural lender relating to the largest reported internal fraud within the federal government's Farm Credit System.
- Successfully defended client against a claim filed for a share of a \$600M estate and a \$30M insurance policy that defended such claims.
- Achieved a declination of prosecution for a target in a grand jury investigation into alleged misrepresentations on the accuracy of a medical device.

Recognitions and Memberships

Memberships

- American Bar Association, White Collar Crime Division
- San Francisco Bar Association
- Women's White Collar Defense Association

Press Releases

- 4/17/2019
BakerHostetler Enhances West Coast Presence With Addition of 3 Partners

Community

- MidWeeklies: Board Member

Pro Bono

- Represent tenants facing eviction through the San Francisco Bar Association's Justice and Diversity Center.
- Part of team that represented death row inmate in appeal trial.

Services

- White Collar, Investigations and Securities Enforcement and Litigation
- Securities and Governance Litigation
- Corporate Governance
- Commercial Litigation

Admissions

- U.S. District Court, Central District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Eastern District of New York
- U.S. District Court, Southern District of New York
- U.S. Court of Appeals, Ninth Circuit
- California
- New York

Education

- J.D., The Catholic University of America, Columbus School of Law, 2004, *magna cum laude*; Recipient of Law School Alumni Society Award for Academic Excellence; Moot Court; *Catholic University Law Review*, Notes and Comments Editor; Judge Kathryn J. DuFour Scholarship Recipient; Merit Scholarship Recipient
- B.A., Fairfield University, 1999, with honors; Student Honors Association

BakerHostetler

Keith R. Murphy

Partner

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Overview

Keith Murphy is a client-focused partner concentrating in corporate reorganization, bankruptcy, litigation, fiduciary representations and creditors' rights, including representations of creditors in the aerospace industry. Keith also has significant experience representing trustees in brokerage house liquidation proceedings commenced by the Securities Investor Protection Corporation, and representing court-appointed receivers in investment fraud proceedings initiated by the Securities and Exchange Commission (SEC) and the Commodities Futures Trading Commission (CFTC). Keith's representation of clients across other industries, including manufacturing, retail, aerospace, steel and health care, provide him with the background and experience needed to address complex commercial and litigation issues.

Experience

- A lead attorney on the global team representing the SIPA Trustee for the liquidation of Bernard L. Madoff Investment Securities LLC and the consolidated estate of Bernard L. Madoff in connection with Madoff's multi-billion dollar Ponzi scheme. Working with the litigation and investigation teams, Keith is pursuing hundreds of avoidance actions seeking to recover assets from banks, feeder funds and others for the benefit of defrauded customers and the estate. In connection with his role, he has been involved in the litigation and outcome leading to many reported decisions, including:

- • *Fox v. Picard (In re Bernard L. Madoff)*, 848 F. Supp. 2d 469 (S.D.N.Y. 2012)
- • *Picard v. Picower*, Adv. Pro. No. 09-1197, ECF No. 43 (Bankr. S.D.N.Y. Jan. 13, 2011)
- • *Picard v. Fox*, 429 B.R. 423 (Bankr. S.D.N.Y. 2010)

Obtained approval of a \$7.2 Billion settlement with the estate of Jeffrey Picower and the issuance of a permanent injunction by the Bankruptcy Court in connection therewith. On appeal, the District Court affirmed the approval of the settlement. The District Court also affirmed the finding that certain creditors' lawsuits were duplicative and derivative and therefore void, and affirmed the issuance of the permanent injunction. The matter is on appeal and fully argued before the Second Circuit Court of Appeals.

• *Lautenberg Found. v. Picard (In re Bernard L. Madoff Inv. Secs., LLC)*, No. 11-5421, 2013 WL 616269 (2d Cir. Feb. 20, 2013)

- • *In re Bernard L. Madoff Inv. Securities, LLC*, No. 11-CV-2135, 2011 WL 7981599 (S.D.N.Y. Dec. 05, 2011)
- • *Picard v. Stahl*, 443 B.R. 295 (Bankr. S.D.N.Y. 2011)

Successfully thwarted third-party actions against Madoff family defendants which threatened to interfere with the SIPA Trustee's litigation and recovery efforts. Following litigation, the Trustee obtained extension of the automatic stay to third party actions and issuance and affirmance of preliminary injunctions from the Bankruptcy Court and District Court. In 2013, the Second Circuit Court of Appeals issued a summary order affirming the Bankruptcy Court's ruling in favor of the Trustee under section 105(a) of the Bankruptcy Code.

- • *Picard v. Maxam Absolute Return Fund, L.P.*, 474 B.R. 76 (S.D.N.Y. 2012)
- • *Picard v. Maxam Absolute Return Fund, L.P.*, 460 B.R. 106 (Bankr. S.D.N.Y. 2011)

Successfully defended against an action filed against the Trustee in the Cayman Islands by obtaining rulings affirming the extraterritorial reach of the automatic stay and obtaining an injunction against the moving parties from the Bankruptcy Court, which was affirmed by the District Court. Prior to a decision by the Second Circuit Court of Appeals, the Trustee obtained a settlement of his litigation for \$97.8 Million.

Additional Experience

- Represented a Chapter 11 debtor of a building product manufacturing corporation in its successful reorganization.
- Represented lessors and secured creditors in the Avianca, Varig and TWA airline bankruptcy cases.
- Represented the CFTC receiver for IATrading.com Inc. involving the liquidation of a fraudulent investment adviser.
- Represented the SEC receiver for Northshore Asset Management LLC involving the liquidation of a failed investment group and funds due to fraud.
- Represented the SEC receiver for Sagam Corp. involving the liquidation of a fraudulent investment adviser.
- Represented the bank agent for the lender group in Opal Concepts Inc.
- Represented the Chapter 11 debtors in the Integrated Health Services Inc. and Caldor Corp. bankruptcy cases.

Recognitions and Memberships

Recognitions

- New York Metro "Super Lawyer" (2013 to 2017)

Memberships

- American Bankruptcy Institute
- American Bar Association
- New York State Bar Association
- St. John's University School of Law Alumni Association

News

- 12/28/2016
150 BakerHostetler Attorneys Named 2016 Super Lawyers; 91 Named Rising Stars
- 10/29/2015
160 BakerHostetler Attorneys Named 2015 Super Lawyers; 112 Named Rising Stars
- 12/22/2014
Bloomberg's article "Madoff Victims to Get \$322 Million in Trustee Payout" acknowledges BakerHostetler attorneys at announcement of fifth distribution plans
- 11/18/2014
Reuters reports on further BakerHostetler success reaching settlements boosting total recovery of funds stolen by Madoff to nearly \$10.5 billion
- 11/17/2014
CNBC reports on BakerHostetler and the Madoff Recovery Initiative in article Madoff Recoveries Top \$10 Billion With New Settlement, "... an amount virtually no one thought possible"
- 11/17/2014
The Associated Press reports on BakerHostetler and the Madoff Recovery Initiative recoveries of \$10.5 billion
- 5/5/2014
BakerHostetler talks with *USA Today* about the SIPA Trustee's fourth pro rata interim distribution; states Madoff Recovery Initiative nears \$6 billion in distributions to allowed claimants
- 1/7/2014
BakerHostetler's settlement with JPMorgan Chase and the ongoing Madoff Recovery Initiative Discussed on National Public Radio's *All Things Considered*
- 2/15/2013
BakerHostetler appears on NPR's *All Things Considered* to discuss Madoff Recovery Initiative; host Robert Siegel interviews SIPA Trustee Irving Picard and his Chief Counsel David Sheehan
- 2/12/2013
Madoff Recovery Initiative surpasses \$5 billion in distributions to allowed claimants; CNBC's Scott Cohn discusses latest recovery with BakerHostetler's SIPA Trustee Irving Picard and his Chief Counsel David Sheehan

- 12/10/2012
Madoff Recovery Initiative Marks Fourth Anniversary ... Moves into Fifth Year Still Building Recovery Momentum
- 9/21/2012
BakerHostetler's work recovering more than half of the losses in the Madoff Ponzi scheme featured on WNYC in interview on *The Brian Lehrer Show*
- 9/20/2012
Press Release: Second Interim Distribution of Recovered Funds to Madoff Claim Holders
- 6/25/2012
Press Release: United States Supreme Court Denies Certiorari, Upholding Net Equity Decision in BLMIS Liquidation
- 1/5/2012
The Wall Street Journal showcases BakerHostetler and the "unprecedented magnitude" of the global recovery efforts in article "The Madoff Liquidation, Three Years Later"
- 10/4/2011
Press Release: Initial Interim Distribution of Recovered Funds to Madoff Claims Holders
- 12/17/2010
The New York Times reports on BakerHostetler's negotiation and settlement with the Picower Estate for \$5 billion in the SIPA liquidation of Bernard L. Madoff Investment Securities LLC

Pro Bono

- Successfully represented a school child with behavioral issues in a case seeking funding for specialized school tuition.

Services

- Bankruptcy, Restructuring and Creditors' Rights
- Securities and Governance Litigation

Prior Positions

- Kaye Scholer LLP: Bankruptcy Department
- Winick & Rich, P.C.: Bankruptcy Department
- Clerk for the Honorable Stephen D. Gerling, Chief Judge for the United States Bankruptcy Court, Northern District of New York

Admissions

- U.S. Court of Appeals, Second Circuit
- U.S. District Court, Southern District of New York
- U.S. District Court, Eastern District of New York
- U.S. District Court, Northern District of New York
- New York
- New Jersey

Education

- J.D., St. John's University School of Law, 1996, Editor, *American Bankruptcy Institute Law Review*
- B.A., State University of New York at Albany, 1991

BakerHostetler

Jimmy D. Parrish

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Overview

"[Jimmy Parrish] is hailed by sources as an 'excellent and pragmatic bankruptcy lawyer,' and further highlighted for his negotiation skill and courtroom advocacy."

— Chambers USA 2015

Jimmy Parrish practices in the Bankruptcy, Restructuring and Creditors' Rights team and has extensive experience in a broad range of insolvency and business bankruptcy matters. Jimmy is board certified in business bankruptcy by the American Board of Certification and has represented corporate debtors, committees, trustees, secured lenders and other creditors in virtually every industry, including agriculture, airline, energy, healthcare, manufacturing, communications, real estate and hospitality.

Experience

- Serves as debtor's counsel to Black Elk Energy Offshore Operations, LLC, in its chapter 11 bankruptcy, currently pending in the United States Bankruptcy Court for the Southern District of Texas Houston Division.
- Serves as debtor's counsel to American Eagle Energy Corporation in its chapter 11 bankruptcy, currently pending in the United States Bankruptcy Court for the District of Colorado.
- Served as debtor's counsel in the successful reorganization of Southern Building Products, Inc., a national manufacturer of roof and floor trusses, based in West Palm Beach, Florida.
- Served as debtor's counsel in the successful asset sale and liquidation of Emerge Interactive, Inc., a national technology and manufacturing company based in Sebastian, Florida. The asset sale and liquidation plan resulted in a dividend to unsecured creditors of more than 70 percent of their alleged claims.
- Served as debtor's counsel in the successful reorganization of Planet Hollywood International, Inc., a global chain of theme restaurants and retail stores based in Orlando, Florida.
- Served as counsel to the chapter 11 trustee appointed in the bankruptcy case of World Vision Entertainment, Inc., to recover funds for victims of a \$64 million Ponzi scheme.
- Served as debtor's counsel in the successful reorganization of Clarklift of Orlando, Inc., a compact equipment retailer with dealerships across Florida.
- Served as debtor's counsel for Designer's Choice Cabinetry, Inc., a national cabinet manufacturer based in Rockledge, Florida.
- Advised multiple clients on creditor claims against insolvent and troubled oil and gas companies.

Recognitions and Memberships

Recognitions

- Chambers USA: Bankruptcy and Restructuring in Florida (2013 to 2019)
 - Band 3 (2015 to 2019), Band 4 (2014)
- *The Best Lawyers in America*® (2014 to present)
 - Florida: Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law

- *Florida Trend* Legal Elite
- Florida Super Lawyers (2015 to 2019)
 - Florida Super Lawyers "Rising Star" (2009 to 2014)

Memberships

- American Bankruptcy Institute
- Central Florida Bankruptcy Law Association
- American Board of Certification: Board of Directors

News

- 1/17/2019
Liz Green, Team Earn "Deal of Year" Honors for Alliance Medical Holdings Sale
- 8/15/2018
193 BakerHostetler Attorneys Named in 2019 Best Lawyers List; 10 Recognized "Lawyer of the Year"
- 8/15/2017
190 BakerHostetler Attorneys Named in 2018 Best Lawyers List; 18 Recognized "Lawyer of the Year"
- 12/28/2016
150 BakerHostetler Attorneys Named 2016 Super Lawyers; 91 Named Rising Stars
- 10/29/2015
160 BakerHostetler Attorneys Named 2015 Super Lawyers; 112 Named Rising Stars

Press Releases

- 4/29/2019
Chambers and Partners USA Honors 127 Attorneys and 43 Practice Areas in 2019 Guide
- 5/3/2018
Chambers and Partners USA Honors 118 Attorneys and 45 Practice Areas in 2018 Guide

Community

- Central Florida Credit Abuse Resistance Education (C.A.R.E.) Program

Services

- Bankruptcy, Restructuring and Creditors' Rights

Industries

- Energy Industry

Prior Positions

- Judicial Law Clerk for the Honorable Arthur B. Briskman, United States Bankruptcy Judge for the Middle District of Florida

Admissions

- U.S. Court of Appeals, Eleventh Circuit, 2006
- Board Certified in Business Bankruptcy by the American Board of Certification, 2009
- U.S. District Court, Northern District of Florida, 2002
- U.S. District Court, Southern District of Florida, 2002
- U.S. District Court, Middle District of Florida, 2001
- U.S. District Court, Southern District of Texas
- Florida, 2001
- Alabama, 2000

Education

- J.D., The University of Alabama School of Law, 2000
- B.A., The University of Alabama, 1997

BakerHostetler

Tiffany Payne Geyer

Partner

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Overview

"Tiffany Payne exhibits 'a really great capacity to get to the bottom line and foster resolutions.' Commentators also praise her 'excellent writing skills.'"

— Chambers USA 2015

Tiffany Payne Geyer practices primarily in the areas of bankruptcy and creditors' rights. She has represented both corporate and individual debtors in Chapter 11 cases, and individuals in Chapter 7 cases. Her clients include healthcare businesses and medical professionals, investment bankers and financial advisors. She has also represented clients in the hospitality sectors, and has assisted in representing debtors in the energy sectors. Tiffany has negotiated multiple settlements of guarantor liability and has experience with assignments for the benefit of creditors. Tiffany has also represented secured creditors, unsecured creditors, landlords and panel trustees.

Experience

- Defeated two count complaint against Paramount Disaster Recovery, LLC, by condominium association seeking a declaratory judgment that the association's assignment of an insurance claim to Paramount was invalid. *In re Chadham by the Sea Homeowner's Association, Inc.*, Case No. 6:17-bk-00520-KSJ; Adv. Pro. 6:17-ap-00029-KSJ.
- Represented the law firm of Eagan Avenatti, LLP, after an involuntary Chapter 11 case was commenced against the firm, advising the debtor in consenting to petition, defeating motion for relief from stay to proceed with arbitration brought against debtor by former law partners, and successfully defending against attack on the debtor's ability to conduct business in the ordinary course as class action counsel, enabling the debtor to achieve a \$454 million jury verdict. *In re Eagan Avenatti, LLP*, Case No. 6:17-bk-01329-KSJ.
- Successfully confirmed a Chapter 11 reorganization plan for a provider of behavioral health services after resolving multimillion-dollar False Claims Act liability with the Medicaid Fraud Control Unit ("MFCU") of the Office of Attorney General, obtaining MFCU's vote in favor of plan confirmation. *In re Behavioral Support Services*, Case No. 6:15-bk-04855-KSJ.
- Represented an unsecured creditor in obtaining dismissal of an individual Chapter 11 case. *In re Walden*, Case No. 6:16-bk-06346-CJJ.
- Represented a landlord in obtaining dismissal of a corporate Chapter 11 case. *In re Devroc Homes, Inc.*, 6:12-bk-01359-KSJ.
- Represented a secured creditor in a single asset real estate (SARE) case to achieve relief from stay causing dismissal of a corporate Chapter 11 case and a one year injunction against re-filing. *In re Daytona Ocean Sands, LLC*, 6:11-bk-13651-KSJ.
- Quickly negotiated favorable resolution of three sanctions motions involving six years of protracted litigation, multiple adversary proceedings, and appeals in a corporate Chapter 7 case. *In re C.D. Jones & Company, Inc.*, Case No. 3:09-31595-LMK; Adv. Pro. No. 3:11-ap-03045-KKS; Adv. Pro. No. 3:15-03002-KKS; Adv. Pro. No. 3:15-03007-KKS.
- Drafted, litigated and prevailed on motion for stay pending appeal resulting in stay of district court order reversing bankruptcy court order confirming the Chapter 11 plan of skilled nursing facility ("SNF") during pendency of SNF's appeal to the Eleventh Circuit. *In re Bayou Shores, SNF, LLC*; 2015 WL 6502704; 8:14-bk-9521-MGW, 8:14-cv-02816-T-30, 8:14-cv-02617-T-30, 8:15-cv-00103-T-30, 8:15-cv-00128-T-30 .

- Drafted successful objections to administrative claims of working interest owners, resulting in the disallowance of multiple multimillion-dollar administrative claims, assisting debtor in obtaining the confirmation of the Chapter 11 plan. *In re Black Elk Energy Offshore Operations, LLC*, Case No. 15-34287.
- Confirmed "dirt for debt" Chapter 11 reorganization plan in a husband and wife joint Chapter 11 case, obtaining full discharge of pre-petition district court judgment against the debtors on personal guaranties and the release of garnishments after drafting and filing motion for relief from judgment in district court. *In re Parker*, Case No. 6:13-bk-11798-CCJ ; Case No. 6:12-cv-539-Orl-37.
- Served as Chapter 7 debtor's counsel for investment bankers and financial advisors in individual Chapter 7 cases, obtaining discharge of FINRA arbitration awards.
- Served as Chapter 7 debtor's counsel for a cosmetic surgeon, obtaining discharge and settlement of wrongful death claims.
- Drafted a successful motion for stay pending appeal, resulting in the stay of a New York statute and order directing closure of reorganized, substantively consolidated, Chapter 11 nursing home debtors. *In re Legacy Healthcare, LLC*, Case No. 1-05-11270-MJK; *Legacy Healthcare, LLC, et al., vs. The State of New York, et al.*, 09-cv-1103.
- Drafted an appellate brief obtaining Eleventh Circuit's reversal of a district court order. *Bond Safeguard v. Ward*, Case No. 11-12646-AA (11th Cir. 2012).
- Assisted lead counsel in obtaining confirmation of Chapter 11 plans reorganizing more than \$200 million in debt for two timeshare developers. *Island One Resorts, Inc., et al.* Lead Case No. 6:10-bk-16177-KSJ; *Tempus Resorts International LTD., et al.*, Lead Case No. 6:10-bk-20709-KSJ.

Recognitions and Memberships

Recognitions

- Chambers USA: Bankruptcy/Restructuring in Florida (2014 to 2019)
 - Band 5 (2017 to 2019), Up & Coming (2014 to 2016)

Memberships

- Central Florida Bankruptcy Law Association (CFBLA)
- Federal Bar Association
- American Bar Association
- International Women's Insolvency & Restructuring Confederation (IWIRC)

News

- 1/17/2019
Liz Green, Team Earn "Deal of Year" Honors for Alliance Medical Holdings Sale

Press Releases

- 4/29/2019
Chambers and Partners USA Honors 127 Attorneys and 43 Practice Areas in 2019 Guide
- 5/3/2018
Chambers and Partners USA Honors 118 Attorneys and 45 Practice Areas in 2018 Guide

Community

- Children's Home Society
 - Children's Home Society, Central Florida Division, Board Member of the Year (2017)
 - Children's Home Society, Central Florida Division: Special Events Committee Co-Chair (2017 to 2018)
 - 2018 Evening of Hope Gala: Vice-Chair. Benefitting The Faine House, a special project of Children's Home Society, the event raised more than \$350,000 and was attended by some 600 members of the Central Florida community.
 - 2019 Evening of Hope Gala: Lead Chair
 - Won third-place fundraising award for Run for Hope 5K benefitting The Faine House. (2017 and 2018)

- Board of Directors (2016 to 2019)
- March of Dimes Executive Team for Signature Chef Auction: Member (2018)
- Juvenile Diabetes Research Foundation: Gala Committee (2012 to 2015)
- Coordinated BakerHostetler fundraising efforts to deliver direct support to employees of the Pulse Nightclub following the 2016 shooting in Orlando.

Services

- Bankruptcy, Restructuring and Creditors' Rights

Admissions

- U.S. Court of Appeals, Eleventh Circuit, 2012
- U.S. District Court, Northern District of Florida, 2016
- U.S. District Court, Southern District of Florida, 2012
- U.S. District Court, Middle District of Florida, 2002
- Florida

Education

- J.D., University of Florida Levin College of Law, 2000; Book Award for Legal Drafting; Member of Trial Competition Team
- B.A., Political Science and Public Administration, University of Central Florida, 1998, with honors

Clair C. Pena

Associate

Cleveland

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Prior Positions

- Extern for the Honorable Mary H. Murguia, U.S. Court of Appeals for the Ninth Circuit (2013)

Admissions

- U.S. District Court, Southern District of Ohio
- U.S. District Court, Northern District of Ohio
- U.S. District Court, District of Arizona
- Ohio
- Arizona
- New York

Education

- J.D., Arizona State University Sandra Day O'Connor College of Law, 2015; *Arizona State Law Journal*, selected as Managing Editor; Order of the Coif; Sandra Day O'Connor Constitutional Law and Outstanding Graduate awards; *Arizona State Law Journal* Staff Writer of the Year Award; multiple CALI Awards
- B.A., Barnard College, Columbia University, 2009

Clair Pena's diverse legal knowledge and sharp attention to detail define her litigation practice. She has a history of helping clients reach favorable conclusions, including aiding in the representation of corporations in class actions and complex litigations, and providing advice on litigation risks related to potential breach of contract matters and commercial disputes. A well-rounded attorney whose skills span fields (she holds a certificate in Federal Indian Law), Clair is an informed and conscientious counsel.

Experience

- Assisted in representing client in class actions and MDL in breach of warranty and related products liability claims.
- Assisted in representing client in class action for breach of contract claims and alleged violations of statutory obligations under laws relating to HOAs.
- Conducts domestic and international investigations relating to employment and other matters.
- Represented client in Ohio trial court and Court of Appeals relating to issue of first impression.
- Advises clients on litigation risks related to potential breaches of contract matters and general commercial disputes.
- Represented various clients in federal Indian courts for alleged violations of tribal laws.

Community

- Volunteer for Native Vote, developed by the Indian Legal Program to prevent voter disenfranchisement. Also, worked with ILP on various federal policy issues.

Joseph S. Persoff

Associate

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Services

- Employment Litigation
- Employment Class Actions
- Wage and Hour

Prior Positions

- The Honorable Harry Pregerson, United States Court of Appeals, Ninth Circuit: Judicial Extern (2013)

Admissions

- U.S. Court of Appeals, Ninth Circuit
- U.S. District Court, Central District of California
- U.S. District Court, Southern District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Northern District of California
- California

Education

- J.D., University of Southern California Gould School of Law, 2015; *Southern California Law Review*, Senior Submissions Editor
- B.S., Syracuse University, 2010

A dedicated employment litigator, Joseph Persoff is determined to help clients both comply with the law and stay true to their business models. His experience with employment claims and class action suits includes playing an instrumental role in drafting appellate briefs and trial court motions, including summary judgment motions, post-trial motions and anti-SLAPP motions, as well as arguing multiple cases before courts of appeal. Well-versed on a range of employment issues, Joseph has offered critical support on matters that involved discrimination, retaliation and harassment.

Experience

- Argued cases before the Ninth Circuit Court of Appeals and the California Court of Appeal.
- Drafted appellate briefs, petitions for writ of mandate and petitions for review to the California Supreme Court.
- Prepared trial and appellate court motions, including oppositions to demurrers, motions for summary judgments, anti-SLAPP motions, motions in limine, motions for new trial and motions to dismiss an appeal.

Memberships

- Los Angeles County Bar Association

Community

- Los Angeles World Affairs Council: Young Professionals

BakerHostetler

Peggy A. Peterson

Senior Advisor

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Overview

Peggy Peterson is a versatile member of the government policy group with a solid background in policy and communications. A 25-year veteran of Capitol Hill, Peggy developed a depth of experience translating complex policy into clear concepts and helping clients articulate their best arguments. She is a superb writer with the ability to capture both style and substance. A strong communicator and issues manager, Peggy is able to quickly synthesize public policy information and develop sound strategies of advocacy that leverage her knowledge of the Hill's inner workings. During her tenure on Capitol Hill, Peggy effectively represented the Republican position on financial services issues as an on-the-record spokeswoman. As Deputy Chief of Staff and Communications Director for the U.S. House of Representatives Financial Services Committee, she has an extensive record of managing legislative initiatives and crafting public communications for the Committee and its Chairman.

**[Not an Attorney]*

Experience

- Provides Capitol Hill representation for a financial services self-regulatory organization.
- Provides Capitol Hill representation for a privately held company in the area of online training.
- Presented client and issues on Capitol Hill, wrote testimony for a presentation at a committee hearing, and prepared a witness for a panel session and questioning for an executive of a trading platform for illiquid and alternative asset classes.
- Member of a team that guided a global business advisory firm on the potential purchase of a Washington, DC-based lobbying firm.
- Researched legislative history and assisted in creating the case for U.S. regulatory clearance of a new financial product for executives in association with an international financial concern.
- Member of a team that counseled an international client through a high-profile U.S. government investigation.
- Devised messaging adapted by a client for a coalition of banks from the Gulf Coast region.
- Advised on Capitol Hill strategy regarding secondary mortgage markets for a developing alternative trading platform.
- Researched and wrote white papers for international clients on complex global issues.
- Assisted a litigation team in obtaining support for an amicus brief from a nonprofit organization in a case tried before a State Supreme Court.
- Member of a team that created and presented a report from the management of a publicly traded company to its board of directors regarding financial irregularities in a subsidiary.

Services

- Federal Policy
- Political Law

Industries

- Financial Services Industry

Emerging Issues

- Blockchain Technologies and Digital Currencies

Prior Positions

- House of Representatives Committee on Financial Services
 - Deputy Chief of Staff and Communications Director (2002 to 2006)
 - Communications Director (2001 to 2002)
- Congressional Office of Michael G. Oxley: Communications Director/Press Secretary

Admissions

- [Not an Attorney]

Education

- B.A., English Literature, Westminster College, 1980, *cum laude*

TIMOTHY P. PETRE II
BAKER & HOSTETLER, LLP

SUMMARY OF EXPERIENCE:

May 2012 – Present

Paralegal Manager
Baker & Hostetler LLP

March 2011 – May 2012

Litigation Paralegal
Baker & Hostetler LLP

July 2008 – March 2011

***Litigation Case Manager -
Intellectual Property, Antitrust,
Class Action, Commercial Litigation,
& Insurance Recovery***
Howrey, LLP, Washington, D.C.

July 2005 - June 2008

***Senior Paralegal - Intellectual
Property, Antitrust, Class Action,
Commercial Litigation, & Insurance
Recovery***
Howrey, LLP, Washington, D.C.

July 2000 - June 2005

***Paralegal - Intellectual Property,
Antitrust, Class Action, Commercial
Litigation, & Insurance Recovery***
Howrey, LLP, Washington, D.C.

- B.A. Criminal Justice, North Carolina Wesleyan College (2000).

Kenneth G. Prabucki

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Services

- Commercial Litigation
- Class Action Defense

Industries

- Financial Services Industry

Admissions

- U.S. Court of Appeals, Sixth Circuit
- U.S. District Court, Northern District of Ohio
- U.S. District Court, Southern District of Ohio
- U.S. District Court, Eastern District of Michigan
- Ohio

Education

- J.D., Notre Dame Law School, 2010, *cum laude*
- B.A., Ohio University, 2006, *cum laude*

Ken Prabucki is an accomplished litigator with considerable experience representing both plaintiffs and defendants in state and federal courts. He believes that effective advocacy begins with approaching clients as individuals in order to understand their needs, then developing pragmatic solutions that best suit their long-term goals. While Ken's approach often results in the favorable resolution of cases at an early stage, he also has extensive experience managing all stages of the litigation process, including discovery, drafting dispositive motions and ongoing settlement negotiations. In addition, Ken is prepared to take cases to trial when necessary, and has done so on several occasions. As a result, clients trust Ken to handle all aspects of their cases from start to finish.

Ken is currently a member of the Cleveland office's Diversity and Inclusion Committee, and also serves as the work coordinator for the Cleveland office's summer associate program.

Experience

- Successfully moved to dismiss a lawsuit against a nationally recognized insurance company involving various violations of federal law.
- Successfully moved to dismiss a lawsuit against a healthcare company asserting violations of the Telephone Consumer Protection Act.
- Successfully mediated a nationwide class action lawsuit involving one of the country's largest insurance companies in which the defendants advanced fraud, bad faith and civil conspiracy claims.
- Served as trial counsel to a Cleveland-based manufacturer, resulting in a favorable verdict.
- Favorably resolved state and federal litigation involving a nationally recognized company alleging claims arising from a going-private transaction.
- Defended an international company in class action multidistrict litigation concerning an alleged price-fixing conspiracy, resulting in a favorable outcome for the client.
- Successfully represented a Cleveland-based company as the plaintiff in a contract dispute, resulting in a settlement in the full amount of the

client's initial demand.

Memberships

- American Bar Association
- Ohio State Bar Association
- Cleveland Metropolitan Bar Association

Community

- City Church: Elder
- New Directions, Inc. and Crossroads: Board of Directors
- Notre Dame Club of Cleveland: Member

BakerHostetler

Richard B. Raile

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Overview

Richard Raile is a member of the litigation team and focuses his practice on appeals and major motions. He frequently plays the principal role in drafting briefs for his clients and in delivering oral argument, including on dispositive motions, bench trials and appeals. He has represented parties and amici curiae at every level of the judiciary, including in merits briefing in the Supreme Court. He also has extensive experience in examining and cross-examining witnesses at trial and in depositions, in preparing briefing on discovery and pre-trial motions, and in preparing litigation strategy. His litigation experience runs the gamut, including everything from commercial, civil rights, constitutional, campaign finance, voting rights, labor and bankruptcy law.

Experience

- Represented Virginia House of Delegates in redistricting litigation under the state's constitution, winning a complete victory both at trial and on appeal. Delivered oral argument before the Virginia Supreme Court and authored merits and petition-stage briefing. Played a significant role at trial in the same case, including by examining witnesses, arguing dispositive motions and preparing briefing.
- Represented Virginia legislative agency in Virginia Supreme Court on appeal regarding issues of first impression under the Virginia Constitution's Speech or Debate Clause and played principal role in drafting opening and reply briefs. The Virginia Supreme Court unanimously adopted the position stated in those briefs and vacated the lower court's decision holding the legislative agency in contempt of court.
- Successfully represented winning candidate in state legislative election in federal-court litigation attempting to block or vacate certification of the election results. Briefed, argued and won in temporary-restraining order proceedings litigated to a conclusion within 24 hours of the case filing. Assisted in briefing subsequent emergency motions in the court of appeals, which resulted in a complete victory for the client.
- Represented the Virginia House of Delegates in redistricting litigation in a case that reached trial, Supreme Court review and a second trial on remand. Played the principal role in drafting trial briefing and jurisdictional briefing before the Supreme Court. The Supreme Court partially adopted the Virginia House's position and remanded for further proceedings. Played integral role at both trials, including examining and cross examining multiple witnesses before three-judge panels.
- Represented the Arizona Secretary of State as an appellee before the Supreme Court in litigation concerning the one-person, one-vote principle in state legislative redistricting. Played the principal role in drafting the opening and reply briefing.
- Representing employer in appellate litigation regarding issues of first impression under 2006 and 2014 amendments to the Employee Retirement Income Security Act. Played principal role in drafting legal briefs before the federal district court and the federal court of appeals.
- Involved in representing multiple parties and amici in a series of cases arising from the Wisconsin gubernatorial and senatorial recall elections in 2011 and 2012 and related campaign finance and corruption investigations. Responsible for developing legal strategy and drafting briefs on dispositive and non-dispositive motions and on appeal in state and federal court, often on an expedited basis. The Wisconsin Supreme Court adopted the legal positions advanced in these briefs and enjoined the investigations.

- Assisted in the formulation and drafting of a successful petition for certiorari before the United States Supreme Court on the validity of *cy pres* class-action settlements.
- Assisted in the formulation and drafting of multiple amicus briefs and certiorari petitions in the Supreme Court on behalf of various parties, including in cases involving the scrutiny of racial classification under the Fourteenth Amendment, bankruptcy standing, class action settlements, the Appointments Clause, voting rights, and Section 1983 litigation and immunity defenses.
- Assisted in formulating and drafting a briefing for the court after a bench trial concerning a complex real estate deal and related breach-of-contract claims.

Recognitions and Memberships

Memberships

- American Bar Association
- Virginia Bar Association
- District of Columbia Bar Association

News

- 5/1/2018
Grossman, Raile Author Successful U.S. Supreme Court Petition on Behalf of BakerHostetler Client
- 1/7/2014
BakerHostetler's settlement with JPMorgan Chase and the ongoing Madoff Recovery Initiative Discussed on National Public Radio's *All Things Considered*

Pro Bono

- Performed work on landlord/tenant matters in conjunction with the District of Columbia Bar Association Pro Bono Project.

Services

- Commercial Litigation
- Appellate and Major Motions
- Political Law

Admissions

- U.S. Supreme Court
- U.S. Court of Appeals, Third Circuit
- U.S. Court of Appeals, Fourth Circuit
- U.S. Court of Appeals, Seventh Circuit
- U.S. Court of Appeals, Eleventh Circuit
- U.S. Court of Appeals, Federal Circuit
- U.S. District Court, Western District of Virginia
- U.S. District Court, Eastern District of Virginia
- U.S. District Court, Eastern District of Wisconsin
- District of Columbia, 2013
- Virginia, 2012

Education

- J.D., University of Minnesota Law School, 2012, *magna cum laude*, Order of the Coif, Dean's List
- B.A., St. John's University, 2007, English Literature, *magna cum laude*, All College Honors, Departmental Distinction, Dean's List

Michael Rawles
BAKER & HOSTETLER LLP

March 2007 – Present	Baker & Hostetler LLP Paralegal
April 2002 – February 2007	Jenkins & Gilchrist, P.C. Paralegal
May 1998 – April 2002	Foley & Lardner LLP Paralegal
1984 – April 1998	Shapiro, Rosenfeld & Close Paralegal
1983 – 1984	LaFollette Johnson Paralegal

University of California Los Angeles, Paralegal Certificate, October 1982

University of Southern California, Bachelor of Science Business Administration, January 1979

BakerHostetler

David W. Rice

Associate

New York

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Overview

David Rice utilizes his diverse professional background, including his experience in the private equity industry, while working on complex financial matters. David's strong work ethic and positive attitude enable him to develop effective strategies for clients.

Experience

- Involved with a variety of investigatory and litigation matters in connection with BakerHostetler's role as court-appointed counsel to the Securities Investor Protection Act (SIPA) Trustee for the liquidation of Bernard L. Madoff Investment Securities LLC (BLMIS). Works on a broad array of active cases, addressing challenging issues across all phases of discovery. Drafts pleadings, organizes and manages multi-team projects, and researches cutting-edge issues to support the SIPA Trustee's recovery efforts.

News

- 12/22/2014
Bloomberg's article "Madoff Victims to Get \$322 Million in Trustee Payout" acknowledges BakerHostetler attorneys at announcement of fifth distribution plans
- 11/18/2014
Reuters reports on further BakerHostetler success reaching settlements boosting total recovery of funds stolen by Madoff to nearly \$10.5 billion
- 11/17/2014
CNBC reports on BakerHostetler and the Madoff Recovery Initiative in article Madoff Recoveries Top \$10 Billion With New Settlement, "... an amount virtually no one thought possible"
- 11/17/2014
The Associated Press reports on BakerHostetler and the Madoff Recovery Initiative recoveries of \$10.5 billion
- 5/5/2014
BakerHostetler talks with *USA Today* about the SIPA Trustee's fourth pro rata interim distribution; states Madoff Recovery Initiative nears \$6 billion in distributions to allowed claimants
- 1/7/2014
BakerHostetler's settlement with JPMorgan Chase and the ongoing Madoff Recovery Initiative Discussed on National Public Radio's *All Things Considered*
- 2/15/2013
BakerHostetler appears on NPR's *All Things Considered* to discuss Madoff Recovery Initiative; host Robert Siegel interviews SIPA Trustee Irving Picard and his Chief Counsel David Sheehan
- 2/12/2013
Madoff Recovery Initiative surpasses \$5 billion in distributions to allowed claimants; CNBC's Scott Cohn discusses latest recovery with BakerHostetler's SIPA Trustee Irving Picard and his Chief Counsel David Sheehan
- 12/10/2012
Madoff Recovery Initiative Marks Fourth Anniversary ... Moves into Fifth Year Still Building Recovery Momentum

- 9/21/2012
BakerHostetler's work recovering more than half of the losses in the Madoff Ponzi scheme featured on WNYC in interview on *The Brian Lehrer Show*
- 9/20/2012
Press Release: Second Interim Distribution of Recovered Funds to Madoff Claim Holders
- 6/25/2012
Press Release: United States Supreme Court Denies Certiorari, Upholding Net Equity Decision in BLMIS Liquidation
- 1/5/2012
The Wall Street Journal showcases BakerHostetler and the "unprecedented magnitude" of the global recovery efforts in article "The Madoff Liquidation, Three Years Later"
- 10/4/2011
Press Release: Initial Interim Distribution of Recovered Funds to Madoff Claims Holders
- 12/17/2010
The New York Times reports on BakerHostetler's negotiation and settlement with the Picower Estate for \$5 billion in the SIPA liquidation of Bernard L. Madoff Investment Securities LLC

Prior Positions

- Honorable Paul G. Feinman, Supreme Court of the State of New York: Judicial Intern (Spring 2009); Graduate Fellow (Fall 2010)
- Karasyk & Moschella, LLP: Law Clerk (2009 to 2010)
- Kings County District Attorney's Office: Legal Intern, Orange Zone Trial Bureau (Summer 2008)
- Sidley Austin LLP: Legal Assistant, Capital Markets Group (2006 to 2007)
- Shott Capital Management, LLC: Private Equity Associate (2005 to 2006)
- Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.: Project Analyst (2003 to 2005)

Admissions

- U.S. District Court, Southern District of New York
- New York

Education

- J.D., Brooklyn Law School, 2010
- B.A., Boston College, 2003, *magna cum laude*

David J. Richardson

Counsel

Los Angeles

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Services

- Bankruptcy, Restructuring and Creditors' Rights
- Commercial Litigation

Admissions

- U.S. Court of Appeals, Ninth Circuit
- U.S. District Court, Central District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Southern District of California
- U.S. District Court, Western District of California
- California

Education

- J.D., Stanford Law School, 1993
- B.A., (Hons.), Queen's University (Ontario, Canada), 1986

David Richardson is a member of the firm's national Litigation and Bankruptcy, Restructuring and Creditors' Rights teams. He has more than 25 years of experience in restructuring and commercial litigation, with a focus on complex litigation in bankruptcy cases, and actions against corporate insiders for prepetition or post-petition violations of fiduciary duties and related claims. He also has substantial experience with representation of committees of unsecured creditors, post-confirmation trusts, and chapter 11 debtors-in-possession, in industries as diverse as energy, telecommunications, art sales, transportation, and consumer products.

Experience

- Litigating fraud and breach of fiduciary duty claims against a debtor's principal for actions that included the post-petition diversion of more than \$18 million of estate assets to a shell company created just prior to the petition date.
- Part of the litigation team in 10-year litigation for a large utility/telecommunications client that resulted in the only insolvent utility/telecommunications bankruptcy to return to solvency, with over \$100 million of litigation recoveries. The case involved three separate plaintiff's suits against directors, officers, an investment firm, and a major law firm; defense of multiple creditor claims; and resulted in an asset pool that paid unsecured creditors and preferred shareholders in full, and paid a distribution to common stockholders.
- Successfully reorganized six related real estate development entities with payment of all creditors in full, with interest.
- Represented committee of unsecured creditors in case regarding a bankruptcy court's authority to recharacterize a transaction, subsequently leading the Ninth Circuit Court of Appeals to reverse published case law related to the matter.
- Successfully voided a Cook Island trust on the grounds that it had been created to fraudulently shield assets from creditors.

Memberships

- Financial Lawyers Conference

- Los Angeles Bankruptcy Forum

Pro Bono

- Served as general bankruptcy counsel for debtor, G.L.A.S.S. (Gay and Lesbian Adolescent Support Services).

BakerHostetler

David B. Rivkin Jr.

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Overview

David Rivkin is a member of the firm's litigation, international and environmental teams and is co-leader of the firm's national appellate practice. He has extensive experience in constitutional, administrative and international law litigation and has been involved in numerous high-profile cases. With his prior experience in the government sector, David draws on a wealth of knowledge when providing compliance advice to companies and handling enforcement proceedings before government agencies on issues arising out of multilateral and unilateral sanctions, the Foreign Corrupt Practices Act (FCPA), anti-boycott issues, bankruptcy and financial fraud matters, and environmental and energy issues.

David has developed and implemented legislative, regulatory and litigation initiatives for two presidential administrations. Over the years, he has published hundreds of articles, op-eds, book reviews and book chapters on a variety of international, legal, constitutional, defense, arms control, foreign policy, environmental and energy issues for various newspapers and magazines, including *The Wall Street Journal*, *The Washington Post*, *The New York Times*, *USA Today* and *The Los Angeles Times*, and has been a frequent commentator and guest on TV and radio shows including ABC, CBS, NBC, CNN, Fox News, NPR and PBS.

Experience

- David is the lead counsel for the 28 states that have challenged the constitutionality of the EPA's Clean Power Plan and has been representing them in this matter in the DC circuit and the Supreme Court.
- David is the lead counsel in the Section 1983 Civil Rights Action case brought against several Wisconsin state government officials who were alleged to have initiated a sprawling John Doe investigation directed solely at conservative and right-of-center policy advocacy groups in the state.
- As part of BakerHostetler's role as court-appointed counsel to the Securities Investor Protection Act (SIPA) Trustee for the liquidation of Bernard L. Madoff Investment Securities LLC, David is responsible for the appellate litigation in more than half a dozen Second Circuit and Supreme Court cases.
- David is a lead lawyer on a team that represents a former London-based JPM managing director whose cooperation was sought in the investigation related to a multibillion-dollar trading loss for the bank. Through aggressive defense of the former managing director and utilizing skills honed during involvement in investigating complex financial frauds, David and the team secured a rare non-prosecution agreement with the Justice Department and agreements with other regulatory authorities, which enabled the client to cooperate with federal prosecutors in the continuing investigations.
- Through arguments before the district courts, Fourth Circuit and Seventh Circuit Courts of Appeals, David successfully defended several Bivens actions brought against former Secretary of Defense Donald H. Rumsfeld.
- With considerable experience in litigation involving national security-related matters, David represented Senators McCain, Graham and Ayotte in the Second Circuit case, *Hedges*, which entailed a challenge to the constitutionality of the military detention-related provisions contained in the National Defense Authorization Act.
- When 26 states challenged the constitutionality of Medicare revisions under the Patient Protection and Affordable Care Act and argued that an individual mandate was beyond the powers granted to Congress under the Commerce Clause and the Necessary and Proper Clause, David represented the states and was lead outside counsel in the District Court and Court of Appeals. The United States District Court for the Northern District of Florida ruled in favor of the states at the case's outset, with David handling both the briefing and oral arguments. The government

appealed the case to the Eleventh Circuit, where David continued his involvement and the original decision was affirmed.

- David represented the Republic of Croatia before the International Criminal Tribunal for the Former Yugoslavia and the International Court of Justice for a number of years on a wide range of issues involving international humanitarian law and the laws of war. He was Croatia's lead lawyer in both venues and handled numerous rounds of briefings and oral arguments.
- David has represented corporations in alien tort statute and civil RICO litigation, as well as in challenges to federal agency actions and constitutional challenges to state statutes. He also represented the State of Texas in the U.S. Court of Appeals, D.C. Circuit, during a challenge to several of the EPA's rules that sought to regulate greenhouse gases under the Clean Air Act.
- David handled the development and implementation of President George H.W. Bush's deregulatory initiatives, which entailed the review of all existing federal regulatory strictures and the application of a more rigorous, cost-effective standard to new regulations. His substantive areas of responsibility included international sanctions, energy, environment and tax issues.
- David played a leading role in the development of FERC Order 636, which introduced major changes to the regulation of the interstate natural gas pipelines, and simultaneously served as the Special Assistant for Domestic Policy to then Vice President Dan Quayle.

Recognitions and Memberships

Recognitions

- Burton Award for Legal Achievement (2011)
- U.S. Naval Proceedings Annual Alfred Thayer Mahan Award for best maritime affairs article (1984)
- Washington, D.C. "Super Lawyer" (2007 to 2008, 2014 to 2019)

Memberships

- Phi Alpha Theta (1981)

News

- 3/22/2018
David Rivkin Talks to "New York Times" about Environmental Lawsuits
- 1/2/2018
David Rivkin Comments on EPA Chief's Actions Since Appointment
- 11/28/2017
David Rivkin Comments on Role of Title VII in Employment Discrimination Cases
- 10/16/2017
David Rivkin a Speaker at Association of Corporate Counsel Annual Meeting
- 8/28/2017
Scott McIntyre, David Rivkin Speaking at Sixth Circuit Practice Institute in Cincinnati
- 12/28/2016
150 BakerHostetler Attorneys Named 2016 Super Lawyers; 91 Named Rising Stars
- 10/29/2015
160 BakerHostetler Attorneys Named 2015 Super Lawyers; 112 Named Rising Stars
- 12/22/2014
Bloomberg's article "Madoff Victims to Get \$322 Million in Trustee Payout" acknowledges BakerHostetler attorneys at announcement of fifth distribution plans
- 5/5/2014
BakerHostetler talks with *USA Today* about the SIPA Trustee's fourth pro rata interim distribution; states Madoff Recovery Initiative nears \$6 billion in distributions to allowed claimants

- 1/13/2014
Law360 article on SCOTUS Request for DOJ Opinion on SIPA Trustee's Petition for Writ of Certiorari names BakerHostetler attorneys
- 1/7/2014
BakerHostetler's settlement with JPMorgan Chase and the ongoing Madoff Recovery Initiative Discussed on National Public Radio's *All Things Considered*
- 2/15/2013
BakerHostetler appears on NPR's *All Things Considered* to discuss Madoff Recovery Initiative; host Robert Siegel interviews SIPA Trustee Irving Picard and his Chief Counsel David Sheehan
- 2/12/2013
Madoff Recovery Initiative surpasses \$5 billion in distributions to allowed claimants; CNBC's Scott Cohn discusses latest recovery with BakerHostetler's SIPA Trustee Irving Picard and his Chief Counsel David Sheehan
- 12/10/2012
Madoff Recovery Initiative Marks Fourth Anniversary ... Moves into Fifth Year Still Building Recovery Momentum

Articles

- 9/4/2018
David Rivkin, Andrew Grossman Author Column on Duty of Supreme Court Nominees to Refuse to Provide a Preview of Opinions
- 4/25/2018
David Rivkin, Andrew Grossman Author Commentary on Legitimacy of SEC's Administrative Law Judges
- 2/22/2018
David Rivkin, Andrew Grossman Article Argues Against Political Advocacy Funded by Mandatory Union Fees
- 11/24/2014
The Wall Street Journal Article Authored by Rivkin and Foley Discusses Obama's Immigration Policy
- 7/30/2014
The Wall Street Journal Publishes "The Case for Suing the President" by Rivkin and Foley
- 7/25/2014
David Rivkin and Elizabeth Foley Co-Author Article Opposing Supreme Court Decision to Uphold Affordable Care Act Provision
- 1/15/2014
Rivkin and Foley Author Article on President Obama Working Around Congress

Services

- Appellate and Major Motions
- Environmental
- Media Law and Digital Content

Prior Positions

- United Nations Subcommission, Promotion and Protection of Human Rights: expert member, part-time (2004 to 2007)
- Hunton & Williams: Partner (1993 to December 1999)
- Federal Government (1987 to 1993)
 - White House: Associate Executive Director and General Counsel of the President's Council on Competitiveness
 - U.S. Department of Energy: Associate General Counsel
 - Responsible for international, constitutional, environmental, and energy matters, including global climate change problems, natural gas, hydro and electricity issues, development and implementation of the Natural Energy Strategy, implementation of the Clean Air Act Amendments of 1990, wetlands policy and related issues, development of RCRA and Clean Water Act legislative proposals, and deregulation of energy markets.
 - Played a significant role in development of Reagan and H.W. Bush Administration regulatory and legislative proposals affecting natural gas and electric utility industries.
 - White House Counsel's Office, Associate White House Counsel
 - Office of the Vice President: Legal Advisor to the Counsel to the Vice President
 - Department of Justice, Office of Policy Development: Deputy Director
Responsible for variety of constitutional, domestic and international issues, including judicial selection, legal policy, immigration, and asylum matters and intelligence oversight.

- Baker & McKenzie: Associate (1985 to 1987)
- Defense and foreign policy analyst: focusing on Soviet affairs, arms control, naval strategy, and NATO-related issues. Defense consultant to numerous government agencies and Washington think tanks (1977 to 1985).

Admissions

- U.S. Supreme Court, 2004
- U.S. Tax Court, 1986
- U.S. Court of Appeals, Second Circuit, 2013
- U.S. Court of Appeals, Ninth Circuit, 2013
- U.S. Court of Appeals, Tenth Circuit, 2012
- U.S. Court of Appeals, Eleventh Circuit, 2011
- U.S. Court of Appeals, Fifth Circuit, 2009
- U.S. Court of Appeals, Seventh Circuit, 2006
- U.S. Court of Appeals, District of Columbia Circuit, 2006
- U.S. Court of Appeals, Fourth Circuit, 2002
- U.S. District Court, Eastern District of Wisconsin, 2014
- U.S. District Court, Northern District of Florida, 2010
- U.S. District Court, District of South Carolina, 2010
- District of Columbia

Education

- J.D., Columbia University School of Law, 1985
- M.A., Georgetown University, 1984, Soviet Affairs, with high honors
- B.S.F.S., Georgetown University, 1980

Kim M. Roberts
BAKER HOSTETLER LLP

July 2018 - Present	Baker Hostetler LLP Contract Paralegal
August 2017 – March 2018	Steenrod, Schwartz & McMinimee, LLP Paralegal
August 2009 – July 2017	Hutchins & Associates LLC Paralegal
June 2007 - February 2009	Chorney & Millard LLP Paralegal
April 2005 – June 2007	Lottner Rubin Fishman Brown & Saul PC Paralegal
January 2005 – April 2005	Netzorg McKeever Koclanis & Bernhardt PC Paralegal, Legal Secretary
June 1995 - June 2004	Buchanan & Stouffer PC Paralegal, Network Administrator
June 1994 – March 1995	Gibson Arnold & Associates Contract Paralegal
1989 - 1994	Holland & Hart Paralegal
1984 - 1989	Telecommunications Inc. Paralegal, Acquisitions Administrator
1980 - 1984	Atler, Zall & Haligman PC Paralegal

University of Northern Colorado
B.A. - English; Secondary Education, magna cum laude
June 1977

Arapahoe Community College
Paralegal Program
1981

BakerHostetler

Jorian L. Rose

Partner

New York

T +1.212.589.4681

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jrose@bakerlaw.com



Overview

Jorian Rose represents clients including debtors, borrowers, creditors, investors, sellers, purchasers and others in all stages of complex restructuring transactions, such as in-court and out-of-court reorganizations, debt restructurings, acquisitions and divestitures. With wide-ranging experience representing clients in distressed and non-distressed transactions, he focuses on advising businesses and their stakeholders undergoing transformation. Jorian draws on extensive commercial experience to provide clients with a unique perspective.

Jorian has played a leading role in a number of significant restructuring transactions and related commercial litigations.

Experience

- *In re Bernard L. Madoff Investment Securities LLC*: Representing Irving H. Picard, Trustee for the Securities Investor Protection Act (SIPA) liquidation of Bernard L. Madoff Investment Securities LLC.
- *In re Firestar Diamond, Inc., et al.*: Representing the Examiner in investigating the role of U.S. affiliates in the largest bank fraud alleged in the history of the Republic of India.
- *In re Samuels Jewelers, Inc.*: Representing the Examiner in investigating the role of U.S. affiliate in the largest bank fraud alleged in the history of the Republic of India.
- *In re American Eagle Energy*: Represented an oil and gas exploration and production company in connection with chapter 11 cases.
- *In re Black Elk Energy Offshore Operations, LLC*: Represented an oil and gas exploration and production company in connection with its chapter 11 case.
- *In re Dakota Plains Holdings, Inc., et al.*: Represented transportation companies and service providers to oil and gas exploration and production companies in connection with their chapter 11 cases.
- *NSB Holdings*: Represented a registered investment advisor in connection with structuring its chapter 11 sale.
- Board representations: Represented independent boards of directors and board members in connection with restructuring and sale transactions as well as related litigations.
- Represented numerous hedge funds and financial sponsors in connection with distressed companies, trade claims and complex financial instruments.
- *In re ContiFinancial*: Represented an originator, securitizer, and servicer of subprime mortgage loans in its \$2 billion chapter 11 cases.
- *In re Kmart*: Represented the large retailer in its wind down.
- *In re PSINet*: Represented a \$4 billion international telecommunications debtor in its chapter 11 proceedings, including international sale of business and the winding down of its remaining businesses.
- *In re BearingPoint*: Represented the acquirer of a portion of a more than \$1 billion revenue national consulting business in chapter 11 matter.
- *In re Erickson Retirement*: Represented an acquirer of a large national senior living management company and developer in chapter 11 matter.
- *In re Glasstech Holdings*: Represented the creditors' committee for a solar, automotive, and architectural glass manufacturer.
- *In re Global Crossing*: Represented a creditors' committee member for a multibillion-dollar international telecommunications provider.

- *In re Reise Restaurant*: Represented the creditors' committee for an owner and operator of a chain of restaurants in the New York metropolitan area.
- *In re Workflow Management*: Represented the creditors' committee for a \$600 million revenue printer.
- *Sun Healthcare & Integrated Healthcare Services*: Represented a debtor-in-possession lender for two of the largest healthcare provider chapter 11 cases.
- *In re Autotech*: Represented a chapter 7 trustee during an investigation of complex financial fraud.

Recognitions and Memberships

Recognitions

- Chambers USA: Bankruptcy/Restructuring in New York (2019)
 - Recognized Practitioner (2019)
- New York Metro "Super Lawyer" (2011 to 2018)

Memberships

- American Bankruptcy Institute

News

- 3/21/2019
Elizabeth Green, Jorian Rose Speakers at Southeastern Bankruptcy Law Seminar
- 2/22/2019
John Carney Issues Examiner Report Finding Substantial Evidence of Fraud, International Money Laundering Connected to Diamond Bank Fraud Scheme
- 1/17/2019
Liz Green, Team Earn "Deal of Year" Honors for Alliance Medical Holdings Sale
- 11/29/2017
Jorian Rose Comments on Restructuring Activity in Healthcare Industry
- 12/28/2016
150 BakerHostetler Attorneys Named 2016 Super Lawyers; 91 Named Rising Stars
- 5/2/2016
Hedge Fund Team Hosts Former SEC Commissioner Troy Paredes in a Series of Regulatory Summit Discussions
- 10/29/2015
160 BakerHostetler Attorneys Named 2015 Super Lawyers; 112 Named Rising Stars
- 12/22/2014
Bloomberg's article "Madoff Victims to Get \$322 Million in Trustee Payout" acknowledges BakerHostetler attorneys at announcement of fifth distribution plans
- 11/18/2014
Reuters reports on further BakerHostetler success reaching settlements boosting total recovery of funds stolen by Madoff to nearly \$10.5 billion
- 11/17/2014
The Associated Press reports on BakerHostetler and the Madoff Recovery Initiative recoveries of \$10.5 billion
- 11/17/2014
CNBC reports on BakerHostetler and the Madoff Recovery Initiative in article Madoff Recoveries Top \$10 Billion With New Settlement, "... an amount virtually no one thought possible"
- 5/5/2014
BakerHostetler talks with *USA Today* about the SIPA Trustee's fourth pro rata interim distribution; states Madoff Recovery Initiative nears \$6 billion in distributions to allowed claimants
- 1/7/2014
BakerHostetler's settlement with JPMorgan Chase and the ongoing Madoff Recovery Initiative Discussed on National Public Radio's *All Things Considered*

- 2/15/2013
BakerHostetler appears on NPR's *All Things Considered* to discuss Madoff Recovery Initiative; host Robert Siegel interviews SIPA Trustee Irving Picard and his Chief Counsel David Sheehan
- 2/12/2013
Madoff Recovery Initiative surpasses \$5 billion in distributions to allowed claimants; CNBC's Scott Cohn discusses latest recovery with BakerHostetler's SIPA Trustee Irving Picard and his Chief Counsel David Sheehan
- 12/10/2012
Madoff Recovery Initiative Marks Fourth Anniversary ... Moves into Fifth Year Still Building Recovery Momentum
- 9/21/2012
BakerHostetler's work recovering more than half of the losses in the Madoff Ponzi scheme featured on WNYC in interview on *The Brian Lehrer Show*
- 9/20/2012
Press Release: Second Interim Distribution of Recovered Funds to Madoff Claim Holders
- 8/22/2012
Law360 article on Bankruptcy Court approval of \$2.4 Billion Distribution Recognizes BakerHostetler Attorneys
- 6/25/2012
Press Release: United States Supreme Court Denies Certiorari, Upholding Net Equity Decision in BLMIS Liquidation
- 1/5/2012
The Wall Street Journal showcases BakerHostetler and the "unprecedented magnitude" of the global recovery efforts in article "The Madoff Liquidation, Three Years Later"
- 10/4/2011
Press Release: Initial Interim Distribution of Recovered Funds to Madoff Claims Holders

Press Releases

- 4/29/2019
Chambers and Partners USA Honors 127 Attorneys and 43 Practice Areas in 2019 Guide

Alerts

- 3/27/2019
Financial Services 2018 Year-End Report
- 4/16/2018
Financial Services 2017 Year-End Report

Services

- Bankruptcy, Restructuring and Creditors' Rights
- Debt Finance
- Mergers and Acquisitions
- Private Equity and Venture Capital
- Project Development and Finance

Industries

- Financial Services Industry
- Hospitality Industry

Prior Positions

- Macquarie Capital (USA) Inc., Managing Director
- Giuliani Capital Advisors LLC (acquired by Macquarie Capital (USA) Inc.), General Counsel and Managing Director
- Law Clerk for the Honorable Burton R. Lifland, Former Chief Judge of the United States Bankruptcy Court for the Southern District of New York and the Second Circuit Bankruptcy Appellate Panel

Admissions

- U.S. Supreme Court
- U.S. District Court, Southern District of New York

- U.S. District Court, Eastern District of New York
- New York

Education

- J.D., St. John's University School of Law, 1997, *American Bankruptcy Institute Law Review*, Associate Managing Editor
- B.A., Hobart College, 1992

BakerHostetler

Michael A. Sabella

Associate

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Overview

Michael Sabella focuses his practice on the areas of bankruptcy, restructuring, creditors' rights and complex commercial litigation. Drawing upon his clerkship and prior legal experience, Michael combines his understanding of the transactional and litigation sides of bankruptcy for a thorough and proactive approach to all client situations. He assists debtors, creditors and interested parties in a variety of industries on all aspects of representation on bankruptcy issues, including claims recovery, secured transactions, real estate, international insolvency, and corporate insolvencies. Michael also represents corporate officers and directors in litigation that challenges their actions and roles in connection with the management and operations of businesses. Michael has spoken and written about a wide range of bankruptcy issues, including case-specific appellate decisions, preference issues and interpretations of components of the Bankruptcy Code.

Michael also devotes time to assist pro bono clients with LGBTQ+ issues, asylum applications, post-conviction relief, and amicus briefs for different human rights and interest groups.

Experience

- Member of the BakerHostetler team serving as court-appointed counsel to the Securities Investor Protection Act (SIPA) Trustee for the liquidation of Bernard L. Madoff Investment Securities LLC (BLMIS), an unprecedented effort involving more than 1,000 lawsuits filed by the SIPA Trustee to recover assets for the benefit of defrauded BLMIS customers.
- Represented a chapter 7 bankruptcy trustee in the liquidation of a multimillion-dollar real property lease and the administration and operation of a golf course on Long Island. Handled every aspect of the case, including the sale of assets of the estate, extensive claim litigation against unsecured and alleged secured creditors, numerous court appearances before the Bankruptcy Court and appellate litigation before the district court.
- Represented a chapter 7 bankruptcy trustee in the liquidation of several parcels of real property. Handled every aspect of the case, including the sale of properties, claims litigation against alleged secured and unsecured creditors, and the contested election of the chapter 7 trustee.
- Represented a chapter 7 trustee in litigation against a former principal of debtor seeking to recover fraudulent conveyances made by principal and breach of principal's fiduciary duty to debtor.
- Defended a landlord who owned multiple residential buildings against a class action litigation related to wage and hour violations for building managers and janitorial staff. Successfully negotiated settlement of the class action.

Recognitions and Memberships

Recognitions

- Chambers USA Diversity and Inclusion Awards: Future Leader - LGBTQ+ Equality (2019)
- The National LGBT Bar Association: "Best LGBTQ+ Lawyers Under 40" (2019)
- New York Super Lawyers "Rising Star" (2015 to 2018)

Memberships

- American Bar Association

- Business Law Section
 - Lawyers with Disabilities Involvement subcommittee: Vice-Chair; Incoming Chair
- Business Bankruptcy Committee
- Business Law Fellows Program (2017 to 2019)
- Business Bankruptcy Committee eNewsletter: Co-Editor-in-Chief
- New York City Bar Association
 - Lesbian, Gay, Bisexual and Transgender Rights Committee: Member
 - Association Leadership Institute: Member
- The National LGBT Bar Association
- LAMBDA Legal
 - Young Leadership Council: Member
- OutNEXT
 - OutNEXT Leadership Committee
- American Bankruptcy Institute
- St. John's University School of Law's American Bankruptcy Institute Law Review Alumni Association: Member
- Turnaround Management Association
- Deaf and Hard of Hearing Bar Association

News

- 5/3/2019
Eight BakerHostetler Attorneys Shortlisted for the Chambers Diversity and Inclusion Awards 2019
- 4/9/2019
Michael Sabella Speaks at Hofstra University School of Law Class
- 4/9/2019
Michael Sabella Speaks at St. John's University School of Law
- 4/1/2019
Michael Sabella Leads Two Sessions at ABA Business Law Section Spring Meeting
- 3/11/2019
Michael Sabella Receives 'Best LGBTQ+ Lawyers Under 40' Award
- 12/12/2018
Michael Sabella Joins Webinar on New Value Preference Defense
- 12/10/2018
Michael Sabella Joins Webinar Panel Discussion of Notable Appellate Bankruptcy Decisions
- 11/6/2018
Ted Jacobs, Michael Sabella Join Out Leadership for Nasdaq Opening Bell Ceremony
- 9/28/2018
Michael Sabella a Speaker at ABA Business Section Annual Meeting
- 9/28/2018
Anat Maytal, Michael Sabella Prepare Presentation on Attorneys with Disabilities
- 8/22/2018
Michael Sabella Featured in ABA Q&A about Attorneys with Disabilities
- 8/21/2018
Anat Maytal, Michael Sabella Featured in Law360 Report on Attorneys with Disabilities
- 8/6/2018
Michael Sabella Speaking on Bankruptcy Panel at ABA Business Law Section Annual Meeting
- 8/11/2017
Michael Sabella Joins New York City Bar Association LGBT Rights Committee
- 8/11/2017
Michael Sabella Accepted into ABA Business Law Fellows Program

Alerts

- 3/7/2018
2017 Year-End Securities Litigation and Enforcement Highlights
- 7/28/2017
2017 Mid-Year Securities Litigation and Enforcement Highlights

Articles

- 2/21/2019
Michael Sabella Authors Article on New Value Defense for ABA Newsletter

Pro Bono

- Assisted in drafting an *amicus* brief on behalf of the Human Rights Campaign and leading child welfare associations in favor of the rights of transgender students for the U.S. Supreme Court case of *Gloucester County School Board. v. G.G.*
- Works with the Transgender Legal Defense & Education Fund (TLDEF) on the Name Change Project to assist transgender individuals in changing their names to reflect their gender identity.
- Represents an Alabama death row inmate referred through the Equal Justice Initiative, a nonprofit organization that provides legal representation to indigent defendants and prisoners who have been denied fair and just treatment in the legal system.
- Works with Safe Passage representing immigrant children in New York seeking asylum or Special Immigrant Juvenile Status.
- Works with Immigration Equality, helping lesbian, gay, bisexual, transgender and HIV-positive individuals gain asylum in the United States.
- Served as special assistant corporation counsel for the Law Department of the City of New York in 2017. Conducted and defended numerous depositions on behalf of the city of New York in various tort lawsuits.
- Assisted the American Constitution Society in various research and policy-related matters.
- Aided low-income individuals through New Orleans Legal Assistance with the preparation of their bankruptcy petitions.
- Represented small investors through St. John's University School of Law Securities Arbitration Clinic in disputes against their broker-dealers. Filed claims with the National Association of Securities Dealers, analyzed account statements to determine the validity of causes and actions, selected arbitrators, and participated in arbitrations.
- Represented elderly individuals through the St. John's University School of Law Elder Law Clinic. Interviewed clients and witnesses, negotiated with attorneys and debt collectors, and prepared court documents and correspondence to opposing counsel and organizations.

Services

- Bankruptcy, Restructuring and Creditors' Rights
- Securities and Governance Litigation

Prior Positions

- Law Clerk for the Honorable Dorothy T. Eisenberg, U.S. Bankruptcy Judge for the Eastern District of New York (2008 to 2012)

Admissions

- U.S. Court of Appeals, Fourth Circuit
- U.S. District Court, Eastern District of New York
- U.S. District Court, Southern District of New York
- New York
- New Jersey

Education

- LL.M., Bankruptcy, St. John's University School of Law, 2009
- J.D., St. John's University School of Law, 2007; Associate Managing Editor, *American Bankruptcy Institute Law Review*
- B.A., Muhlenberg College, 2004, *magna cum laude*

BakerHostetler

Eric E. Sagerman

Partner

Los Angeles

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F +1.310.820.8859

esagerman@bakerlaw.com



Overview

Eric Sagerman is the managing partner of BakerHostetler's Los Angeles office, and a member of the firm's national Bankruptcy, Restructuring and Creditors' Rights team. Eric is known for representing creditors' committees, debtors and other constituents in large, corporate chapter 11 bankruptcy proceedings, distressed capital raising, restructurings and workouts, and general company and creditor matters. He is active in complex national matters involving banking and financial services, telecommunications, fiduciary litigation, transportation, manufacturing and consumer products.

Eric has spoken on issues of interest in insolvency and restructuring law. He is the co-author of the treatise *Creditors' Rights in Bankruptcy* (2nd Ed.), an editorial board member of the *Bankruptcy Strategist* and the author of numerous articles.

Experience

- Represented Official Committee of Unsecured Creditors in matter concerning the meltdown of the telecommunications industry, which was featured on the news program *60 Minutes*.
- Represented Official Committee of Unsecured Creditors in matter concerning the subprime housing crisis in 2007 to 2008, which was featured on the news program *Dateline NBC*.
- Represented chapter 11 trustee of government-subsidized company in litigation over anticompetitive conduct in the solar cell manufacturing market that drove the company out of business.
- Represented well-known Beverly Hills bank holding company in negotiation of chapter 11 plan of dissolution.
- Represented the agent for lenders in a syndicated credit facility in the workout of \$1 billion in financial accommodation to oil and gas exploration and production company in chapter 11 proceedings.

Recognitions and Memberships

Recognitions

- Chambers Global: Bankruptcy/Restructuring in California (USA) (2017)
- Chambers USA: Bankruptcy/Restructuring in California (2017 to 2019)
 - Band 2 (2017 to 2019)
- *The Best Lawyers in America* (2008 to 2019)
- Southern California Super Lawyer (2006 to 2019)
- *The Los Angeles Daily Journal*, "Rainmaker"
- *San Francisco Daily Journal*, "Rainmaker"

Memberships

- American Bar Association
- American Bankruptcy Institute
- Los Angeles County Bar Association
- The Financial Lawyers Conference
- Los Angeles Bankruptcy Forum

News

- 1/23/2019
New Partners Featured in Commercial Dispute Resolution Article
- 1/10/2019
Paul Schmidt, Eric Sagerman Discuss Plans for Firm Growth in California
- 1/3/2019
News about Eric Sagerman Joining BakerHostetler as Managing Partner in Los Angeles

Press Releases

- 4/29/2019
Chambers and Partners USA Honors 127 Attorneys and 43 Practice Areas in 2019 Guide
- 1/2/2019
BakerHostetler Adds Local Veteran Lawyer as New Office Managing Partner to Expand West Coast Presence

Community

- Learning Rights Law Center
 - Board of Directors (2017 to present)
 - Pro Bono Legal Counsel (2016 to present)
- Los Angeles Regional Food Bank: Volunteer (2014 to present)

Pro Bono

- Leadership and Pro Bono Award (2017)
- Pro Bono Commitment to Service Award (2016)

Services

- Bankruptcy, Restructuring and Creditors' Rights
- Mergers and Acquisitions

Industries

- Financial Services Industry
- Energy Industry

Prior Positions

- Am Law 30 law firm (1991 to 2018)
 - Executive Committee
 - Managing Partner, Los Angeles
 - Chair, National Restructuring Group
 - Compensation Committee

Admissions

- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California
- California

Education

- J.D., University of California, Los Angeles School of Law, 1991
- B.A., University of California, Santa Barbara, 1988, *summa cum laude*
- G.C., London School of Economics, 1987, List of Highly Commended Exam Performances

Shanisha Y. Smith

Associate

Houston

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sysmith@bakerlaw.com



Services

- Environmental
- Commercial Litigation

Industries

- Energy Industry

Prior Positions

- Judicial Law Clerk for the Honorable Judge George C. Hanks Jr., United States District Court for the Southern District of Texas (2015 to 2016)
- Comisión Nacional de Hidrocarburos: Energy Fellow (2014)
- Railroad Commission of Texas: Fellow (2014)
- Judicial Intern for the Honorable Judge Harold R. DeMoss Jr., United States Court of Appeals for the Fifth Circuit (2014)
- Judicial Intern for the Honorable Kenneth M. Hoyt, United States District Court for the Southern District of Texas (2013)
- Center for U.S. and Mexican Law: Research Assistant (2013 to 2014)
- Legal Assistance Centre of Namibia: Intern (2010)

Admissions

- U.S. District Court, District of Colorado
- Texas
- Colorado

Education

- LL.M., International Law & Energy, Environment, and Natural Resources Law, University of Houston Law Center, 2014, with honors, Association of International Petroleum Negotiators (AIPN) Scholarship Recipient (2013)
- J.D., Texas Southern University Thurgood Marshall School of Law, 2013; *cum laude*; Associate Editor,

Shanisha Smith focuses her litigation practice in the energy and natural resources industry. She represents clients in oil and gas litigation and environmental disputes governed by the Mineral Leasing Act, the National Environmental Policy Act, the Outer Continental Shelf Lands Act, the False Claims Act, the Federal Oil and Gas Royalty Management Act, and numerous other environmental statutes and related regulations. Shanisha holds an LL.M. in Energy, Environment, and Natural Resources Law from the University of Houston Law Center. While earning her LL.M., she worked at the Texas Railroad Commission, as well as at the Comisión Nacional de Hidrocarburos during the Mexico Energy Reform.

Shanisha also has a wealth of experience working in courts. She had the opportunity to work with a Texas state civil court judge, a federal magistrate judge, two federal district court judges and a federal appellate circuit judge. Prior to joining BakerHostetler's Energy Team, Shanisha clerked for the Honorable Judge George C. Hanks, Jr. of the United States District Court for the Southern District of Texas. Drawing on her knowledge of the energy industry and her well-honed skills developed during her clerkship, Shanisha is a dedicated advocate who confidently adapts to unique situations.

While working toward her postgraduate degree, Shanisha won a \$10,000 award for the Texas Energy Innovation Challenge – Power Across Texas. Focusing on law and regulatory opportunities and barriers that enabled the commercialization of GeoThermH2O, Shanisha was part of a team that obtained a provisional United States patent.

Experience

Energy and Environmental Litigation

- Assisted in the representation of an oil and gas producer in a suit against the Bureau of Land Management (BLM) regarding drilling application processing time. The client maintains that it had met all requirements necessary for the applications despite BLM's approval delay. Received mandamus from the federal court forcing BLM to issue oil and gas drilling permits as required under the Mineral Leasing Act.
- Member of the defense team representing independent natural gas and oil producers in various federal royalty audits and appeals.
- Advised an energy company to amend a Bureau of Land Management

Thurgood Marshall Law Review,
International Moot Court, Board of
Advocates; CALI Awards for Federal
Jurisdiction, Commercial Law and
Appellate Litigation

- B.S., Sociology, Lincoln University,
2010, *cum laude*, Benjamin A. Gilman
International Scholarship
- Joint Programme in International
Law, University College London
(London, England), Southern
University Law Center, 2011
- Corporate Law, Polytechnic of
Namibia (Windhoek, Namibia), 2010

Communitization Agreement to seek the overpayment of royalties.

- Member of a defense team for an independent oil and gas company in ongoing Department of Justice civil investigation pursuant to the False Claims Act for allegedly underpaid royalties on natural gas.
- Represents energy companies in class action and individual suits alleging improper deduction of downstream costs from royalties owed under private leases.

Gulf of Mexico

- Advised an American multinational energy corporation on a master development plan challenge.
- Prepared appellate documents from adverse regulatory ruling for American multinational energy corporation involving deepwater project.

Regulatory

- Counsel for a national oil and gas trade association involved in efforts to review and prepare comments on how the Department of the Interior can improve implementation of regulatory reform initiatives and policies, and to identify regulations appropriate for repeal, replacement, or modification.

International

- Worked with Comisión Nacional de Hidrocarburos during Mexico's Energy Reform, providing advice to the attorneys and commissioners within the organization on shale gas, international model contracts, the 1944 U.S.-Mexico Water Treaty, the hiring of talent, foreign investors, administrative reforms to improve the competitiveness of Mexico, and the regulation and bidding processes.
- Worked with the Legal Assistance Centre of Namibia on corporal punishment issues. Broadcasted from Namibia's radio station (Namibia's Broadcasting Corporation, NBC) informing the community on Namibian law and crafted "radio friendly" law scripts that encouraged the attention of the listener. Analyzed and inputted data in a database on children's views on corporal punishment in Namibia.
- Worked on groundwater conservation and financial assurance issues, providing research and memoranda on issues related to administrative law, oil and gas, and Railroad Commission rules in Texas.

Recognition

- State Bar of Texas, Environmental & Natural Resources Law Section Award (2014)

Memberships

- American Bar Association
 - Section of Litigation, Judicial Intern Opportunity Program (JIOP)
- Houston Bar Association
 - John J. Eikenburg Law Week Fun Run Committee

- Houston Volunteer Lawyers Committee
- Special Olympics Committee
- Minority Opportunities in the Legal Profession Committee
- Houston Young Lawyers Association
- Association of International Petroleum Negotiators
- Rocky Mountain Mineral Law Foundation
- State Bar of Texas
- The Downtown Group
- Sam Cary Bar Association
- Western Energy Alliance
- Women's Energy Network
- Colorado Women's Bar Association

Community

- Special Olympics
- Denver Petroleum Club
- Colorado CASA (Court Appointed Special Advocates for Children):
Board Member

BakerHostetler

Kelsey M. Sproull

Associate

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Overview

Kelsey Sproull focuses her practice on litigating complex commercial disputes, as well as defending wrongful death and personal injury matters. In connection with her personal injury defense practice, she also counsels and assists companies during investigations by governmental agencies such as OSHA and the EPA.

Kelsey's varied and extensive litigation background allows her to prioritize the client's objectives in each case, whether that be to negotiate an early settlement or to litigate the case through trial. Inside of the courtroom, she has first-chair trial experience, and has prevailed in oral argument on a litany of pre-trial matters. Outside of the courtroom, Kelsey has handled all aspects of the litigation process, including preliminary discovery matters, taking and defending depositions, and preparing successful motions. Kelsey also counsels her clients through the alternative dispute resolution process. She has routinely achieved favorable results through mediation and informal settlement negotiations.

Experience

- Successfully represented a construction company as first chair in a week-long jury trial. Client was awarded all requested damages on a contract claim, as well as a defense verdict on the opposing party's contract and DTPA counterclaims.
- Prepared successful motion for summary judgment on behalf of a Fortune 500 company in a complex commercial dispute, resulting in the partial dismissal of plaintiff's claims.
- Drafted and filed successful motion for reconsideration in a personal injury lawsuit in federal court, resulting in the court reversing its previous decision holding that the client was subject to general personal jurisdiction in Texas.
- Successfully presented oral argument on a special appearance motion, resulting in the client's dismissal from the case.
- Obtained favorable settlement for client after successfully invoking the Offer of Settlement procedure in Texas Rules of Civil Procedure 167.
- Primarily responsible for the preparation and oral argument of a motion for special exceptions that led to the court striking a portion of the plaintiff's petition that represented a significant amount of claimed damages, and resulted in an advantageous settlement for the client and other defendants.
- Successfully argued for the imposition of a court-ordered receivership to seize property to satisfy a final judgment rendered on behalf of client.
- Argued and obtained temporary restraining order on behalf of individual client to enjoin opponent's use of a bank account during the pendency of a probate dispute.
- Served as lead associate in a probate dispute involving breaches of fiduciary duties related to various business entities and oil and gas interests, and obtained a favorable settlement for clients following mediation.
- Argued and obtained temporary restraining order on behalf of business entity to enjoin an infringement on its property rights.
- Obtained favorable settlement for clients following mediation in probate dispute involving legal theories of undue influence, lack of testamentary capacity, fraud and breach of fiduciary duty.
- Served as lead associate in the defense of a contractor in a catastrophic injury case involving a flash fire at a major U.S. refinery.

- Represented a domestic entity in a federal court dispute involving the sale of goods to foreign companies under the United Nations Convention on Contracts for the International Sale of Goods.

Recognitions and Memberships

Recognitions

- Texas Super Lawyers "Rising Star" (2017 to 2019)
- National Institute for Trial Advocacy: Advocate Distinction (2015)

Memberships

- Houston Bar Association
- Houston Young Lawyers Association
- University of Texas Law Alumni Association
 - Member, Houston Steering Committee (2013 to present)

Services

- Commercial Litigation
- Construction
- Product Liability and Toxic Tort
- International Arbitration and Litigation

Industries

- Energy Industry
- Financial Services Industry

Admissions

- U.S. Court of Appeals, Fifth Circuit
- U.S. Court of Appeals, Ninth Circuit
- U.S. District Court, Eastern District of Texas
- U.S. District Court, Western District of Texas
- U.S. District Court, Northern District of Texas
- U.S. District Court, Southern District of Texas
- Texas

Education

- J.D., The University of Texas School of Law, 2011; *Texas International Law Journal*, Staff Member
- B.A., The University of Texas at Austin, 2008

Zoe Steinberg

Associate

Los Angeles

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Prior Positions

- Post-Conviction Justice Project: Certified Student Attorney (2016 to 2017)
- U.S. White House: Advance Team Staff Member (2014)
- U.S. Rep. Ted Deutch, 22nd District of Florida: Congressional Intern (2012)

Admissions

- California

Education

- J.D., University of Southern California Gould School of Law, 2018; Hale Moot Court Honors Program, Chair; New York City Bar Association National Moot Court Competition Finalist; 2017 USC Moot Court Oral Advocacy Runner-Up
- B.A., University of Southern California, 2014, *magna cum laude*

Zoe Steinberg's developing law practice reflects her dedication to providing clients with high-quality work product and advocacy. A collaborative and creative problem-solver, she plays an important role in working with fellow team members to meet clients' needs.

Lauren T. Stuy

Associate

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Prior Positions

- The Honorable Karen Nelson Moore, U.S. Court of Appeals for the Sixth Circuit: Extern
- BakerHostetler: Summer Associate
- Cleveland Clinic Innovations: Extern

Admissions

- [Ohio Bar admission pending]

Education

- J.D., Case Western Reserve University School of Law, 2019, *summa cum laude*; Order of the Coif; *Case Western Reserve Law Review*, Executive Contributing Editor; ICC Moot Court Team; Society of Benchers 2019 Award Winner
- B.A., Xavier University, 2008, *magna cum laude*

Languages

- Spanish

Lauren Stuy's interest in litigation drives her developing practice. She has experience assisting with labor and employment matters, including conducting research, comparing relevant state and federal laws, and drafting memoranda. Lauren also has experience working with venture capital funds and startup companies, participating in board meetings and offering potential strategies for transactions.

**Ohio Bar admission pending*

Karen R. Sweet
BAKER & HOSTETLER, LLP

EMPLOYMENT:

2007-Present	Baker & Hostetler, LLP, Houston, Texas Paralegal
2003-2007	Johnson & Spalding, LLP, Houston, Texas Paralegal
2001-2002	MHMRA of Harris County, Texas Children's counselor
2000-2001	University of St. Thomas, Houston, Texas Student, Master's Program
1997-2000	Baker & Hostetler, LLP, Houston, Texas Paralegal
1986-1997	Holtzman & Urquhart, P.C., Houston, Texas Paralegal

EDUCATION:

December 2001	M.Ed., St. Thomas University, Houston, Texas
May 1986	Southwestern Paralegal Institute, Houston, Texas
1981-1983	B.A., University of Missouri, Columbia, Missouri
1979-1981	A.A., Rock Valley Community College, Rockford, Illinois

Sarah M. Szalay
BAKER & HOSTETLER LLP

June 2002 – Present	Baker & Hostetler LLP Bankruptcy Paralegal
June 1997 – June 2002	Javitch, Block & Rathbone Legal Secretary/Trustee Assistant
May 1992 – June 1997	Nationwide Advertising Administrative Assistant to the Controller

♦ Cleveland State University, Bachelor of Arts, December 1991

Emily B. Thomas

Counsel

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Philadelphia

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Services

- Commercial Litigation
- Construction
- Environmental

Industries

- Energy Industry
- Shale
- Hospitality Industry

Prior Positions

- Reed Smith: Associate (2012 to 2014)
- Fulbright & Jaworski (2011 to 2012)
- K&L Gates LLP (2006 to 2011)

Admissions

- U.S. District Court, Middle District of Pennsylvania
- U.S. District Court, Western District of Pennsylvania
- U.S. District Court, District of Utah
- U.S. District Court, District of Colorado
- Utah
- Pennsylvania
- Colorado
- Texas

Education

- J.D., University of Pittsburgh School of Law, 2006; *magna cum laude*; *University of Pittsburgh Law Review*, Editor-in-Chief; Order of the Coif; Donald I. Moritz Honor Scholarship; CALI Awards: Legal Process, Estates and Trusts, Cyberspace and the Law
- A.B., English Major, Chinese Minor, Duke University, 2001; Dean's List; Study Abroad Programs: Capitol Normal University, Beijing, China and Nanjing University, Nanjing, China

Languages

- Mandarin Chinese

A complex commercial litigator in the energy industry, Emily Thomas has extensive experience in trial and case management in both arbitration and traditional court trials. She has also assisted numerous energy and construction clients in successful resolution of litigation through mediation. Additionally, Emily has experience in transactional work for energy clients. Her practice has a project-based energy concentration, focusing on her assistance and dedication to the entirety of her clients' projects related to oil and gas production and distribution, which includes litigation, investigations, negotiations, transactions and community involvement. Emily also assists clients in emergency response after catastrophic events, including prevention as well as response in the event of an emergency. Expanding beyond a simple partnership, she considers her relationship with clients to be that of a team that focuses on quality work and results.

Experience

- On behalf of an oil and gas operator, assisted in obtaining a first-of-its-kind mandatory injunction under the Energy Policy Act of 2005, directing the Bureau of Land Management immediately to approve ten applications for permit to drill (APD) or provide substantial evidence supporting the decision to delay. *EnerVest Ltd v. Jewell*, No. 16-cv-1256-DBP (Memorandum Decision and Order December 30, 2016). As a result, the ten APDs were approved in time for the operator not to lose a four-month drilling window in Utah.
- Assisting independent oil and gas producer acting as a defendant-intervenor in ongoing federal litigation over the use of hydraulic fracturing in offshore drilling of the Pacific Outer Continental Shelf, in which the Bureau of Ocean Energy Management and Bureau of Safety and Environmental Enforcement are named defendants.
- Represents hospitality and vacation holiday corporation clients in federal and state litigation regarding contractual issues, regulatory compliance, and Fair Debt Collection Practices complaints. Also provides guidance on contractual matters, including dispute resolution, contract drafting and related transactional issues.
- Assisted an oil and gas operator acting as a defendant-intervenor in litigation, which was raised by an environmental group to challenge numerous Bureau of Land Management Resource Management Plans

in Utah.

- Served as co-counsel for a natural gas producer related to a contract dispute with investing partners, including state, federal district court and bankruptcy court proceedings in Pennsylvania and Texas.
- Represented leading midstream and utility company in Pennsylvania state court and in negotiations with Pennsylvania Public Utility Commission in dispute with landowner over pipeline and tariff issues, including Public Utility Commission jurisdictional issues. Received a litigation award from the client in recognition of the successful results for this matter.
- Represents leading renewable energy construction company in every stage of construction contracts (Including both Engineering, Procurement and Construction (EPC), and Balance of Plants (BOP)) and related supply agreements, including: disputes related to supply agreements and construction contracts terms; sub-contractor disputes; liens for non-payment; and land use issues, rights of way, easements and other landowner concerns. This assistance included a survey of over 40 states' laws on various relevant land use regulations and contractual requirements.
- Represents oil and gas companies in negotiations with the Bureau of Land Management over leasing, unitization, communitization, and permitting issues.
- Advises natural gas producers and midstream companies on the preparation of related agreements, including offtake agreements and negotiations with utility companies, as well as land use issues, rights of way, easements and other landowner concerns.
- Advises oil and gas producers on the procurement of oil and gas rights and the preparation of related agreements.
- Served as co-counsel for a prominent natural gas midstream company in administrative hearings as well as in litigation alleging tortious interference with contract and defamation related to the development and installation of a natural gas pipeline.
- Assisted in the defense of an oil and gas client in a multiplaintiff litigation alleging personal injury and water contamination from drilling activities.
- Represented oil and gas companies in broad permitting, regulatory compliance and environmental issues related to oil and gas production and distribution.
- Served as co-counsel for a leading equipment breakdown reinsurer in a multimillion-dollar reinsurance dispute regarding complicated chemical, fire and explosion issues, which was resolved to a decision in ARIAS reinsurance arbitration.
- Assisted multiple policyholders in litigation related to insurance coverage for a broad variety of claims including property damage, environmental liabilities and energy production-related accidents.
- Defended a wood treatment facility against Environmental Protection Agency and Department of Justice allegations of Resource Conservation and Recovery Act violations, including representation as counsel in successful federal mediation proceedings.

- Assisted in the defense of a complex federal public services corruption jury trial against the United States government, including related United States Third Circuit Court of Appeals proceedings.
- Assisted in the project development of a wind farm, including the resolution of a contract dispute related to internationally procured, damaged equipment.
- Served as lead counsel defending a leading renewable energy construction company in a construction dispute in Pennsylvania federal court.

Recognition

- Pennsylvania Super Lawyers “Rising Star” (2014 to 2019)

Memberships

- Women’s Energy Network
 - 2015 Biennial Conference
 - Speaker Chair
- Women’s Energy Network, Greater Pittsburgh Chapter
 - President (2017)
 - Vice President (2016)
 - Chair of Corporate Sponsorship Committee (2015)
 - Director of Communications (2013 to 2014)
- Allegheny County Bar Association
- Court of Common Pleas Allegheny County: Civil Division Arbitrator
- Energy & Mineral Law Foundation
- Environmental Law Institute
- Marcellus Shale Coalition
 - Water Sourcing Subcommittee
 - Gas Use Subcommittee
- Young Professionals in Energy

Community

- Chi Omega Alumnae Association
- Duke University Alumni Association

Pro Bono

- Advises the Women’s Energy Network on multiple legal issues.
- Provides indigent clients with insurance advice.

- Assists on copyright issues with Volunteer Lawyers for the Arts.

Taylor M. Thompson

Associate

Cleveland

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Prior Positions

- Carroll County Prosecuting Attorney's Office: Intern (2018)
- National Republican Senatorial Committee: Legal Intern, Office of the General Counsel (2016)

Admissions

- U.S. District Court, Northern District of Ohio
- Ohio

Education

- J.D., Harvard Law School, 2018, *cum laude*; *Harvard Journal of Law & Public Policy*, Executive Editor
- B.A., Columbia University, 2014, *cum laude*

Taylor Thompson combines careful preparation and effective communication to solve problems for clients. He has been a part of teams representing companies and individuals in complex commercial disputes, environmental compliance and government investigations. Drawing on past experiences working for a national political party committee and a county prosecutor's office, Taylor approaches every matter with a commitment to serving his clients' strategic needs.

In addition to his developing litigation practice, Taylor contributes to BakerHostetler's Blockchain Monitor, a blog committed to covering blockchain and distributed ledger technologies.

Memberships

- American Bar Association
- Ohio State Bar Association
- Cleveland Metropolitan Bar Association

Community

- Columbia College Alumni Association
- Federalist Society

Tyler M. Thompson

Senior Advisor

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Services

- Federal Policy

Industries

- Healthcare Industry

Prior Positions

- The Bockorny Group: Principal and Healthcare Practice Lead (2012 to 2013)
- Legislative Assistant for United States Senator Johnny Isakson (2005 to 2012)
- Legislative Correspondent for United States Senator Saxby Chambliss (2005)
- Legislative Correspondent for United States Senator Zell Miller (2002 to 2005)

Admissions

- [Not an Attorney]

Education

- B.A., History, Sewanee: The University of the South, 2002

Tyler Thompson assists clients with healthcare issues related to children's hospitals, as well as policies related to access to affordable pharmaceuticals and other healthcare matters. His knowledge and experience stems from previously held positions within the governmental and healthcare areas, having previously served as lead consultant to clients throughout the healthcare industry and holding positions in the United States Senate for more than 10 years, focusing in the area of healthcare policy. Through this work, Tyler forged strong relationships with key members and staff in House and Senate leadership, as well as relevant committees of jurisdiction in both chambers. Believing that strong communication skills and an understanding of issues are the keys to effective government affairs representation, Tyler works thoughtfully in a bipartisan manner to bridge gaps between opposing viewpoints. This strategy, along with his knowledge of current healthcare concerns and insight into legislative procedures, provides mutual benefits to lawmakers and clients.

**[Not an Attorney]*

Experience

- Worked to reform policy related to children's healthcare needs through involvement in the Children's Hospital Graduate Medical Education Reauthorization policy.
- Navigated policies and procedures while providing substantive work and strategic analysis of the Affordable Care Act for a key US Senator.
- Collaborated with opposing viewpoints during discussions on the Hope Offered Through Principled and Ethical Stem Cell Research (HOPE) Act. Used strong communication to assist in development of policies that addressed interests of all parties on controversial topic.
- Negotiated and compromised with opposing parties throughout development of the Drug Quality of Security Act.
- Involved in development of legislative policies related to pharmaceutical and medical device industry, including the Prescription Drug User Fee Act, Medical Device User Fee Act, Animal Drug User Fee Act, Biologics Price and Competition Act, Pandemic and All-Hazards Preparedness Act, and Medicare Modernization Act. Used combined knowledge of policies and politics at play to advance specific interests while

remaining sensitive to stances of opposing parties.

- Advised Senators and healthcare industry client on healthcare regulations and policies within the Department of Health and Human Services. Provided additional advice on healthcare issues concerning, among other things, CDC and NIH budget formulation and appropriations and OMB policy.

BakerHostetler

Robert A. Weible

Partner

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Overview

"Robert Weible has 'excellent judgment' and is 'very responsive and a pleasure to work with,' according to clients."

— Chambers USA 2015

Rob Weible regularly counsels boards of directors, board committees and executives on mergers and acquisitions and corporate matters, with particular experience in counseling boards and special board committees in conflict-of-interest transactions and other sensitive situations. Rob maintains a focus on what his clients are able to accomplish based on the unique challenges at play in these situations. Assessing and understanding the dynamics of the transactions in which his clients are involved, including their relationships with other parties, Rob is prepared to respond to fresh challenges that arise and crafts strategies to maximize his clients' abilities to accomplish their objectives.

Rob has been named in *Chambers USA: America's Leading Lawyers for Business* since 2005 and is listed in The Best Lawyers in America®. He is the former leader of the firm's Securities and Corporate Governance practice team.

Experience

- Led the Special Committee of the Wendy's International Inc. board of directors in a strategic review and \$2.3 billion merger, advising the committee on the constraints and authority it held to ensure appropriate functionality. The client was subjected to continuing commentary from activist shareholders, which required careful management of the client's activities in the public eye, as well as of the relationships among members of management and third parties so as not to compromise activities and maintain the integrity of the committee process.
- Managed conflicts of interest in representation of the Strategic Review Committee of a corporation with a controlling shareholder in strategic review and a \$780 million merger with another retail business under common control. Advised the Strategic Review Committee on the scope of its authority and duties, and developed close working relationships with financial and other advisers that facilitated open communication during contentious situations.
- Worked closely with the Audit, Conflicts and Governance Committee of the general partner of an energy corporation in a \$3.3 billion merger with a publicly traded energy partnership, as well as with the committee's financial adviser. Ensured that the client had comprehensive details in order to make informed decisions during the combination of similar businesses. Developed an in-depth understanding of the client's operations to assess how the merger and subsequent changes in business would affect the client.
- Represented an oil and gas exploration and production company in the acquisition of an independent oil and gas company via a \$4.5 billion merger. Maximized the client's negotiating position by managing the pace of the transaction and creating an effective frequency of dialogue with the selling side.
- Represented controlling shareholders in simultaneous going-private acquisitions of a gaming and development corporation and a company conducting sports-related wagering. Paid particular attention to conflicts of interest arising for the client in order to anticipate the needs of the transaction counterpart in moving the agreement forward. Remained sensitive to complications faced by the client and seller, and structured a mutually beneficial acquisition based on an understanding of the imperatives of the seller and limits on appropriate actions.

Recognitions and Memberships

Recognitions

- Chambers USA: Corporate/M&A in Ohio (2005 to 2019)
 - Band 4 (2019), Band 3 (2008 to 2009 and 2017 to 2018), Band 2 (2005 to 2007 and 2010 to 2016)
- The Legal 500 United States (2016, 2017)
 - Recommended in M&A/Corporate and Commercial: Corporate Governance
- *The Best Lawyers in America*® (2014 to present)
 - Ohio: Corporate Law
 - Best Lawyers® "Lawyer of the Year" (2017)
 - Ohio: Securities Regulation
 - Best Lawyers® "Lawyer of the Year" (2015, 2018)
 - Ohio: Corporate Governance (2019)
- Martindale-Hubbell: AV Preeminent

Memberships

- American Bar Association

News

- 8/15/2018
193 BakerHostetler Attorneys Named in 2019 Best Lawyers List; 10 Recognized "Lawyer of the Year"
- 8/15/2017
190 BakerHostetler Attorneys Named in 2018 Best Lawyers List; 18 Recognized "Lawyer of the Year"
- 2/15/2013
BakerHostetler appears on NPR's *All Things Considered* to discuss Madoff Recovery Initiative; host Robert Siegel interviews SIPA Trustee Irving Picard and his Chief Counsel David Sheehan
- 2/12/2013
Madoff Recovery Initiative surpasses \$5 billion in distributions to allowed claimants; CNBC's Scott Cohn discusses latest recovery with BakerHostetler's SIPA Trustee Irving Picard and his Chief Counsel David Sheehan

Press Releases

- 4/29/2019
Chambers and Partners USA Honors 127 Attorneys and 43 Practice Areas in 2019 Guide
- 6/5/2018
BakerHostetler Boosts High Marks in the Legal 500 2018 Annual Guide
- 5/3/2018
Chambers and Partners USA Honors 118 Attorneys and 45 Practice Areas in 2018 Guide

Alerts

- 6/21/2018
More From the SEC on When a Digital Asset Is a Security

Community

- 90.3 WCPN ideastream: Board of Trustees and Finance Committee

Services

- Corporate Governance
- Securities Offerings and Compliance

Prior Positions

- Cleveland Business Group Coordinator

Admissions

- U.S. District Court, Northern District of Ohio
- Ohio

Education

- J.D., The Ohio State University Michael E. Moritz College of Law, 1978, *summa cum laude*
- B.A., Wittenberg University, 1975, *summa cum laude*

Forrest G. Williamson
BAKER & HOSTETLER, LLP

Oct 2019 – Present	Baker & Hostetler, LLP International Disputes Paralegal
Dec 2018 – Oct 2019	Robert Half Legal Litigation Paralegal
Sep 2018 – Dec 2018	Bienstock Law, LLC Litigation Paralegal
Sep 2017 – Sep 2018	D.C. Registered Agent, Inc. Account Executive/Paralegal
• Davis & Elkins College, Bachelor of Arts, 2017	

BakerHostetler

Catherine E. Woltering

Partner

Columbus

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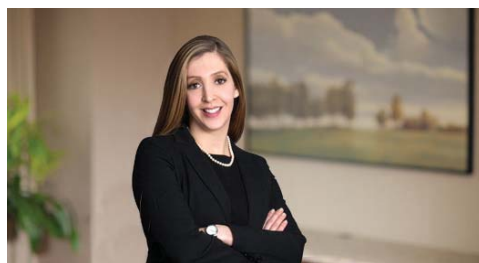
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Overview

Catherine Woltering is a partner in BakerHostetler's Litigation Group, where she focuses her practice on appellate and complex commercial litigation in federal courts, with an expertise in the liquidation of brokerage firms and bankruptcy litigation. She is one of the lead attorneys serving as counsel in the representation of Trustee Irving H. Picard for the SIPA liquidation of Bernard L. Madoff Investment Securities LLC.

Catherine manages multiple aspects of legal strategy, analysis, briefing, negotiations and argument in connection with the Trustee's multi-billion dollar recovery effort, including managing large, multi-party litigations and appeals with billions of dollars at stake in the Bankruptcy Court, District Court and Second Circuit.

Throughout her experience, Catherine believes it is vital to understand her clients' goals and expectations at the outset of an engagement. Once these are established, Catherine collaborates with her clients and colleagues to develop the strongest possible strategy to achieve client objectives, whether defensive or offensive, before disputes erupt into expensive and protracted litigation.

Catherine has been recognized by Ohio Super Lawyers as a "Rising Star" from 2014 to 2018.

Experience

- Represents the SIPA Trustee in the bankruptcy, district and appellate courts, authoring numerous motions and appellate briefs on case-wide issues, including the proper interpretation of section 546(g) and 550(a) of the Bankruptcy Code; and the applicability of the presumption against extraterritoriality to the BLMIS liquidation.
- Handles significant motion practice for the Trustee, including motions for court approval of large settlements for the BLMIS estate, *in limine* motions, motions to withdraw the reference, motions for interlocutory appeals, motions regarding the applicability of the Foreign Sovereign Immunities Act, motions to intervention in shareholder derivative actions involving BLMIS feeder fund investors and petitions for direct appeals to the Second Circuit. Successfully argued motions on behalf of the SIPA Trustee in the United States Bankruptcy Court for the Southern District of New York.
- Manages cases investigating and litigating claims against hedge funds, investment banks and other financial institutions and fiduciaries involving complex derivative and financial products.
- Represents internationally recognized strength-training company providing educational programs for athletes, coaches and trainers and manufacturing industry-leading patented gym equipment.
- Defended entities and individuals in bankruptcy-related litigation, including actions for fraudulent transfers and preferences, and alleged violations of the automatic stay and discharge injunction.
- Defeated a shareholder derivative action in a ruling from the bench following a preliminary injunction and motion to dismiss hearing. The derivative action was designed to derail the merger of a firm client, IKON Office Solutions, with another office supply corporation, Ricoh. By defeating the action on its behalf, IKON Office Solutions was able to complete the merger, thus strengthening its presence in the global marketplace.

- Obtained the dismissal of a third-party administrator for a self-funded benefit program in a federal court action for negligence and breach of fiduciary duty claims under Employee Retirement Income Security Act § 502(a)(2) and 29 U.S.C. § 1109.
- Resolved an intra-family trust litigation involving adult-adopted children who were not specifically identified in trust instruments executed nearly a decade before their births, and were therefore subject to a retroactive Ohio statute that provided for different treatment than for those children adopted as minors. Following substantial negotiations, the parties reached an equitable and satisfactory settlement.

Recognitions and Memberships

Recognitions

- Columbus WISE Women "Rising Star" (2018)
- *Columbus Business First*: People to Know in Law (2016)
- Ohio Diversity Council's "Most Powerful and Influential Women" Award (2016)
- Ohio Super Lawyers "Rising Star" (2014 to 2019)
- *Columbus CEO*: Top Lawyers (2016)
- American Bar Association's Advocacy in Mediation Competition: National Runner-Up
- The Ohio State University Michael E. Moritz College of Law
 - Lawrence Negotiation Competition: Champion
 - Michael Colley Trial Skills Competition: Two-Time Champion

Memberships

- American Bar Association
- New York State Bar Association
- Ohio State Bar Association
- Columbus Bar Association
 - Barristers Leadership Program
 - *Better Lawyer*: Editorial Board

News

- 6/25/2019
Firm, Madoff Team Earn Prestigious Award for Significant Litigation
- 10/30/2018
Catherine Woltering Joins Two Panel Discussions at Ohio Diversity & Leadership Conference
- 1/30/2018
Catherine Woltering Speaks to OSU Law School Students about High-Profile Cases
- 12/28/2016
150 BakerHostetler Attorneys Named 2016 Super Lawyers; 91 Named Rising Stars
- 10/29/2015
160 BakerHostetler Attorneys Named 2015 Super Lawyers; 112 Named Rising Stars
- 12/22/2014
Bloomberg's article "Madoff Victims to Get \$322 Million in Trustee Payout" acknowledges BakerHostetler attorneys at announcement of fifth distribution plans
- 11/18/2014
Reuters reports on further BakerHostetler success reaching settlements boosting total recovery of funds stolen by Madoff to nearly \$10.5 billion
- 11/17/2014
CNBC reports on BakerHostetler and the Madoff Recovery Initiative in article Madoff Recoveries Top \$10 Billion With New Settlement, "... an amount virtually no one thought possible"
- 11/17/2014
The Associated Press reports on BakerHostetler and the Madoff Recovery Initiative recoveries of \$10.5 billion

- 5/5/2014
BakerHostetler talks with *USA Today* about the SIPA Trustee's fourth pro rata interim distribution; states Madoff Recovery Initiative nears \$6 billion in distributions to allowed claimants
- 1/7/2014
BakerHostetler's settlement with JPMorgan Chase and the ongoing Madoff Recovery Initiative Discussed on National Public Radio's *All Things Considered*
- 2/15/2013
BakerHostetler appears on NPR's *All Things Considered* to discuss Madoff Recovery Initiative; host Robert Siegel interviews SIPA Trustee Irving Picard and his Chief Counsel David Sheehan
- 2/12/2013
Madoff Recovery Initiative surpasses \$5 billion in distributions to allowed claimants; CNBC's Scott Cohn discusses latest recovery with BakerHostetler's SIPA Trustee Irving Picard and his Chief Counsel David Sheehan
- 12/10/2012
Madoff Recovery Initiative Marks Fourth Anniversary ... Moves into Fifth Year Still Building Recovery Momentum
- 9/21/2012
BakerHostetler's work recovering more than half of the losses in the Madoff Ponzi scheme featured on WNYC in interview on *The Brian Lehrer Show*
- 9/20/2012
Press Release: Second Interim Distribution of Recovered Funds to Madoff Claim Holders
- 6/25/2012
Press Release: United States Supreme Court Denies Certiorari, Upholding Net Equity Decision in BLMIS Liquidation
- 1/5/2012
The Wall Street Journal showcases BakerHostetler and the "unprecedented magnitude" of the global recovery efforts in article "The Madoff Liquidation, Three Years Later"
- 10/4/2011
Press Release: Initial Interim Distribution of Recovered Funds to Madoff Claims Holders
- 6/28/2011
BakerHostetler attorneys working on Madoff liquidation recognized in Law360 article on key Bankruptcy Court decision
- 12/17/2010
The New York Times reports on BakerHostetler's negotiation and settlement with the Picower Estate for \$5 billion in the SIPA liquidation of Bernard L. Madoff Investment Securities LLC

Alerts

- 6/27/2018
SEC Stays All Administrative Proceedings After Supreme Court Decision on Appointment of SEC Administrative Law Judges

Community

- YWCA of Central Ohio
 - Gen Y Leadership Project

Pro Bono

- Served as pro bono counsel for prisoner in federal civil rights case claiming Eight Amendment violations for deliberate indifference to serious medical needs under action 42 U.S.C. § 1983.

Services

- Commercial Litigation
- Securities and Governance Litigation
- Bankruptcy, Restructuring and Creditors' Rights

Industries

- Investment Funds

Admissions

- U.S. Court of Appeals, Second Circuit, 2017
- U.S. District Court, Southern District of New York, 2015
- U.S. District Court, Northern District of Ohio, 2009
- U.S. District Court, Southern District of Ohio, 2009
- U.S. District Court, Eastern District of New York, 2015
- New York, 2014
- Ohio, 2008
- [Not admitted in California]

Education

- J.D., The Ohio State University Michael E. Moritz College of Law, 2008; *magna cum laude*; Order of the Coif; Articles Editor, *Ohio State Journal on Dispute Resolution*, "Jack Ehleiter v. Grapetree Shores, Inc.," published 2008
- B.A., Mathematics, Kenyon College, 2005, *magna cum laude*

Madiha M. Zuberi

Associate

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Services

- Securities and Governance Litigation
- Commercial Litigation
- White Collar, Investigations and Securities Enforcement and Litigation

Emerging Issues

- Emerging Technologies
- Blockchain Technologies and Digital Currencies

Admissions

- U.S. District Court, Southern District of New York
- New York
- [Not admitted in California]

Education

- J.D., New York Law School, 2009, Worked With Professor Sadiq Reza on an abstract Entitled, "Torture in Islamic Law" (published in the *University of Chicago International Law Journal*)
- B.A., University of California, Irvine, 2004, *cum laude*, Dean's Honor List, Tau Sigma Honor Society

Madiha Zuberi focuses her practice on complex litigation. Able to effectively handle the moving parts of a complicated case, she takes the initiative to work through challenging concerns while developing resolutions. Madiha's experience on banking and feeder funds cases allows her to have a solid understanding in certain areas of securities laws, such as securities fraud, broker-dealer compliance and the use of exotic products such as swaps and derivatives.

Experience

- Since 2010, has served as litigation counsel to Irving H. Picard, the Securities Investor Protection Act Trustee for the global liquidation of Bernard L. Madoff Investment Securities LLC, actively involved in the worldwide investigation and asset recovery efforts seeking billions of dollars from some of the world's largest banking institutions and feeder funds. Helps coordinate the research and testimony of expert witnesses and consultants in Madoff-related litigation, and is involved in the development of new rules defining the role expert witnesses should play in these litigations. Is also actively involved in international matters requiring domestic and foreign expert analyses of case issues and the drafting of related complaints.

Recognition

- New York Metro Super Lawyers "Rising Star" (2013 to 2017)
- Los Angeles County District Attorney "Volunteer of the Year" (2001)

Memberships

- New York State Bar Association
- New York County Lawyer's Association
- The Muslim Bar Association of New York
 - Former Director on the Board (4 years)

Community

- 2014 National Association of Law Placement Annual Education Conference Speaker (Seattle, Washington)

- Practicing Attorneys for Law Students Program, Inc.: Attorney Mentor (2012 to 2014)
- New York City Bar Association Attorney Advisor for Securities and Finance Law Seminar to Minority Law Students (2013)

Pro Bono

- Involved with the New York office's collaboration with Her Justice, an organization that provides free legal services to low-income women.

Diego F. Zuniga

International Legal Analyst

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Services

- International Arbitration and Litigation
- International Trade Remedies and Trade Policy

Admissions

- [Not an Attorney]

Education

- LL.M., New York University School of Law, 2005
- Advanced Professional Certificate in Law and Business, New York University Leonard N. Stern School of Business, 2005
- LL.B., Universidad de Lima, 2003; Dean's List

Languages

- Spanish

Diego Zuniga is a legal analyst who works with the firm's International Arbitration and Litigation team, as well as the International Trade practice group.

Diego assists the litigation team in the defense and representation of foreign and domestic clients engaged in complex international and commercial arbitration and litigation proceedings. He also assists the international trade group with foreign clients before the Department of Commerce's International Trade Administration and the International Trade Commission. He is a native Spanish speaker, is proficient in Italian, and has a basic understanding of Portuguese, enabling him to work effectively on a range of international matters.

**[Not an Attorney]*

Experience

- Assisted litigation team in a \$5+ million federal lawsuit involving the Republic of Peru brought by a former Venezuelan intelligence officer claiming to have provided information leading to the capture of presidential advisor and former head of Peruvian federal agency.
- Part of a litigation team that tried a six-week case in New York state court involving British barristers accused of fraud and breach of fiduciary duty by a member of a royal family and numerous corporate entities.
- Assisted team who represented clients in connection with foreign trademark matters currently pending before the Paraguayan Supreme Court and Paraguayan Court of Appeals.
- Assisted litigation team in the representation of a heavy-equipment manufacturer against claims of trade secret misappropriation, copyright infringement, breach of contract, and other state law claims.
- Part of team that assisted Canadian clients before the Department of Commerce's International Trade Administration and the International Trade Commission in antidumping and countervailing duty investigations, administrative reviews, and section 337 investigations.